542. By Mr. BABKA: Petition of Cuyahoga County Council, American Legion, Cleveland, Ohio, and United Service Post, No. 75, American Legion, favoring legislation to curb anarchism in this country; to the Committee on the Judiciary.

543. By Mr. BACHARAH: Petition of Washington Camp No. 125, Patriotic Order Sons of America, Greenwich, N. J., favoring deportation of all aliens who do not become American citizens; to the Committee on Immigration and Naturalization.

544. By Mr. CROWTHER: Petition of Schaugh-Naugh-Ta-Da Tribe, No. 123, Improved Order of Red Men, Schenectady, N. Y., pledging aid to the Government in suppressing anarchy; to the Committee on the Judiciary.

545. Also, petition of Kolaneka Grange, No. 1441, of Johnstown, N. Y., opposing reenactment of daylight saving; to the Committee on Interstate and Foreign Commerce.

546. By Mr. FULLER of Illinois: Petition of the Chicago & Cook County (Ill.) Bankers' Association, concerning return of railroads to their owners; to the Committee on Interstate and Foreign Commerce.

547. By Mr. GRIFFIN: Petition of Military Order, Loyal Legion of the United States, New York, favoring Civil War volunteer officers' retirement bill; to the Committee on Military Affairs.

548. Also, petitions or memorial of Canton Central Labor Union, Canton, Ohio, and Charles R. Bixby, Flint, Mich., favoring H. R. 7014; to the Committee on Public Buildings and Grounds.

549. Also, petition of the Huntington Commercial Association, Huntington, Ind., favoring H. R. 7014; to the Committee on Public Buildings and Grounds.

550. By Mr. KETTNER: Petition of the eleventh annual convention of California Division, Farmers' Educational and Cooperative Union, favoring H. R. 7783 and S. 2202; to the Committee on Agriculture.

551. Also, petition of Stockton section of Women's National Democratic League, urging passage of bill giving separate citizenship status to women; to the Committee on the Judiciary.

552. Also, petition of teachers of Orange County, Santa Ana, Calif., favoring Smith-Towner educational bill; to the Committee on Education.

553. By Mr. LEA of California: Petition of the Secretary of Petaluma Post, No. 28, American Legion, favoring legislation to punish members of disloyal organizations; to the Committee on the Judiciary.

554. By Mr. LINTHICUM: Petition of M. M. & P. of A. T. S., of Baltimore, Md., opposing passage of Cummins bill; to the Committee on Interstate and Foreign Commerce.

555. Also, petition of the Merchants and Manufacturers' Association, of Baltimore, Md., favoring early ratification of the peace treaty; to the Committee on Foreign Affairs.

556. Also, petition of James Edgar Potts Post, No. 2, American Legion, favoring H. R. 2492; to the Committee on Military Affairs.

557. Also, petition of H. W. Turner, of Baltimore, Md., regarding railroad legislation; to the Committee on Interstate and Foreign Commerce.

558. Also, petition of the Edward Stinson Manufacturing Co., Baltimore, Md., favoring H. R. 10650; to the Committee on the Judiciary.

559. Also, petition of John Campbell White Post, No. 59, American Legion, favoring deportation of undesirable aliens; to the Committee on Immigration and Naturalization.

560. Also, petition of John M. Twole, of Baltimore, Md., favoring bonus for soldiers; to the Committee on Military Affairs.

561. Also, petition of Annapolis Lodge, No. 622, Benevolent and Protective Order of Elks, favoring deportation of undesirable aliens; to the Committee on Immigration and Naturalization.

562. Also, petition of James Edgar Potts Post, No. 2, American Legion, favoring universal military training; to the Committee on Military Affairs.

563. Also, petition of F. Henning, of Baltimore, Md., concerning railroad legislation; to the Committee on Interstate and Foreign Commerce.

564. By Mr. MAJOR: Petition of E. R. Horton and other citizens of Lafayette County, opposing universal military training; to the Committee on Military Affairs.

565. By Mr. NELSON of Wisconsin: Petition of the central committee of the Socialist Party of Douglas County, protesting against the continued imprisonment of all persons convicted under the espionage law; to the Committee on the Judiciary.

566. By Mr. O'CONNELL: Petition of the Brooklyn Hardware Dealers' Association, of Brooklyn, N. Y., opposing Seigel bill; to the Committee on Interstate and Foreign Commerce.

567. Also, petition of Lewis Arnold, Carlisle, Pa., favoring House bill 2922; to the Committee on Military Affairs.

568. By Mr. RAKER: Petition of the State convention of Fruit Growers and Farmers of California, urging appropriation for the continued use of the experimental vineyards in California; to the Committee on Agriculture.

569. Also, petition of Union & Alameda Sugar Co., California, urging the continuance of the Sugar Division and the Bureau of Standards; to the Committee on Agriculture.

570. Also, petition of the Little River Redwood Co., Bulwinkle, Calif., relative to class legislation; to the Committee on the Judiciary.

571. Also, petition of the National Pepsin Co., San Francisco, Calif., urging that Government control of sugar be taken off and it be left to unrestricted competition; to the Committee on Agriculture.

572. Also, petition of the First National Bank of Redlands, Calif., concerning railroad legislation; to the Committee on Interstate and Foreign Commerce.

573. Also, petition of the Brotherhood of Carpenters and Joiners of America, Local No. 1082, opposing the Cummins bill; to the Committee on Interstate and Foreign Commerce.

574. Also, petition of W. G. Kerckhoff, vice president of Bakersfield & Kern Electric Railway Co., California, protesting against inclusion of electric lines in the Cummins and Esch bills; to the Committee on Interstate and Foreign Commerce.

575. By Mr. SINCLAIR: Petition of the Public Ownership League of America and 22,279 citizens of the United States, urging the passage of such measures as will bring about, under conditions in all respects just to the American people, the workers, and present owners, the actual and permanent public ownership by the United States Government of the railroads of the Nation, together with proper guaranties of efficient operation and democratic control; to the Committee on Interstate and Foreign Commerce.

576. By Mr. SNYDER: Petition of the Federal grand jury for the northern district of New York, for enactment of House bill 10650; to the Committee on the Judiciary.

577. By Mr. STEENERSON: Petition of H. F. Sprung and others, of the Ada Creamery Association, of Ada, Minn., opposing H. R. 10032; to the Committee on Agriculture.

578. Also, petition of Lorentz Post, No. 11, American Legion, for suppression of lawlessness and deportation of lawless aliens; to the Committee on Immigration and Naturalization.

579. By Mr. STINESS: Petition of Westerly Lodge, No. 678, Benevolent and Protective Order of Elks, favoring House bill 3110; to the Committee on the Public Lands.

580. By Mr. STRONG of Pennsylvania: Petition of soldiers, sailors, and marines of Homer City, Pa., favoring House bill 7923; to the Committee on Ways and Means.

581. By Mr. WATSON: Petition of the faculty and students of Perkiomen School, Pennsburg, Pa., expressing sympathy for people of Korea; to the Committee on Foreign Affairs.

582. By Mr. YOUNG of North Dakota: Petition of Minot Lodge of Elks, Minot, N. Dak., urging enactment of laws providing for the deportation of all enemy aliens, cancellation of citizenship papers of any naturalized citizen sympathizing with them, and the suppression of any publication designed to undermine American institutions or incite rebellion; to the Committee on Immigration and Naturalization.

583. By the SPEAKER (by request): Petition of First National Convention of the Labor Party, assembled in the city of Chicago on Monday, November 24, 1919, protesting against the treatment received by the miners at the hands of the officials of the Government in the recent strike in the coal mines; to the Committee on the Judiciary.

SENATE.

MONDAY, *January 5, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we cease not in all the years to make mention of Thy name and to call upon Thee in reverence and godly fear. When our fathers declared their independence of the nations of the earth they proclaimed their dependence upon Thy divine providence, and in the day that tests the moral and spiritual fiber of our civilization we still feel the need of God's guidance and blessing. So at the beginning of this session we come lifting up our hearts to Thee, putting ourselves as best we can in the divine hands, to be guided and blessed and owned by the great God of our fathers.

We come together remembering one of our companions in service who sits in the shadow of a great sorrow this morning. Bless, we pray Thee, this one where human sympathy can not come and where the touch of human hands can not heal. Do Thou come by Thy tender sympathy and care to give hope and courage and blessing.

Hear us in our prayer, fit us for the service of the day, and save us for Christ's sake. Amen.

PORTER J. MCCUMBER, a Senator from the State of North Dakota, appeared in his seat to-day.

The Reading Clerk proceeded to read the Journal of the proceedings of the legislative day of Tuesday, December 16, 1919, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Reading Clerk called the roll, and the following Senators answered to their names:

Ashurst	Gerry	Knox	Pomerene
Ball	Gore	Lenroot	Ransdell
Bankhead	Gronna	Lodge	Robinson
Borah	Harding	McCumber	Sheppard
Brandegee	Harris	McKellar	Sherman
Calder	Harrison	McNary	Smith, Ga.
Capper	Henderson	Myers	Smith, Md.
Chamberlain	Hitchcock	Nelson	Smoot
Colt	Johnson, S. Dak.	New	Spencer
Culberson	Jones, N. Mex.	Norris	Sterling
Curtis	Kellogg	Nugent	Sutherland
Dial	Kendrick	Owen	Thomas
Elkins	Kenyon	Page	Trammell
Fernald	Keyes	Phipps	Wadsworth
Fletcher	King	Pittman	Walsh, Mont.
France	Kirby	Poindexter	Williams

Mr. CURTIS. I was requested to announce the absence of the senior Senator from Washington [Mr. JONES] on account of illness in his family. I ask that this announcement may stand for the day.

I was also requested to announce that the Senator from New Hampshire [Mr. MOSES] is absent on official business. I will let this announcement stand for the day.

I wish to announce the absence of the Senator from Michigan [Mr. TOWNSEND] on account of death in his family. I ask that this announcement may stand for the day.

I desire also to announce that the junior Senator from Michigan [Mr. NEWBERRY] is detained from the Senate by illness.

Mr. KNOX. I wish to announce the unavoidable absence of my colleague [Mr. PENROSE] on account of illness. I shall allow this announcement to stand for all roll calls until he is sufficiently recovered to attend the sessions of the Senate.

Mr. BANKHEAD. I wish to announce that my colleague [Mr. UNDERWOOD] is detained from the Senate on important business.

Mr. GERRY. I wish to announce that the Senator from Tennessee [Mr. SHIELDS] is detained by illness in his family and that the Senator from Massachusetts [Mr. WALSH] is detained by the illness of a member of his family.

The senior Senator from North Carolina [Mr. SIMMONS], the junior Senator from North Carolina [Mr. OVERMAN], the Senator from Virginia [Mr. SWANSON], the Senator from Louisiana [Mr. GAY], and the Senator from Delaware [Mr. WOLCOTT] are detained from the Senate on public business.

The Senator from Arizona [Mr. SMITH] is absent on official business.

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call. There is a quorum present.

WOMAN SUFFRAGE.

The VICE PRESIDENT. The Chair lays before the Senate a certified copy of a concurrent resolution adopted by the General Assembly of the State of Colorado ratifying the proposed Susan B. Anthony amendment to the Constitution of the United States extending the right of suffrage to women, which will be placed on file.

BUREAU OF ENGRAVING AND PRINTING (H. DOC. NO. 543).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury transmitting, pursuant to law, a statement showing the number of employees and their compensation in the Bureau of Engraving and Printing whose compensation is paid from "Expenses of loans" and "Compensation of employees," etc., which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

CIVILIAN EMPLOYEES AS COMMISSIONED OFFICERS (S. DOC. NO. 173).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy relative to the receipt of a resolution of December 10, 1919, requesting a statement showing the name, rank and title, and compensation of every officer in the Navy Department, etc., and stating that the information desired will be furnished at the earliest possible date, which was referred to the Committee on Naval Affairs and ordered to be printed.

THE BOTANIC GARDEN (H. DOC. NO. 554).

The VICE PRESIDENT laid before the Senate a communication from the Superintendent of the United States Botanic Garden, transmitting a statement of travel by employees of his office to points outside the District of Columbia during the fiscal year 1919, which was referred to the Committee on the Library and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 11224) to amend the act entitled "An act to exclude and expel from the United States aliens who are members of the anarchistic and similar classes," approved October 16, 1918, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. FERNALD presented a petition of sundry citizens of Brunswick, Me., praying for the ratification of the league of nations covenant and the peace treaty, which was ordered to lie on the table.

Mr. CURTIS presented a resolution adopted at a meeting of the State officers of Kansas, favoring a Federal investigation of lynchings in the various States, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Lodge No. 586, Benevolent and Protective Order of Elks, of Concordia, Kans., praying for the enactment of legislation providing for the suppression of anarchy and the deportation of undesirable aliens, which was referred to the Committee on the Judiciary.

He also presented a petition of the Booster Club of Garnett, Kans., praying for the enactment of legislation for the prevention and punishment of extreme radicalism, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Chamber of Commerce of Ellsworth, Kans., remonstrating against the passage of the so-called Siegel bill, providing for the marking of cost prices on articles of merchandise for sale, which was referred to the Committee on Interstate Commerce.

He also presented a petition of Sheridan Post, No. 90, Grand Army of the Republic, Department of Kansas, of Coffeyville, Kans., praying for the enactment of legislation providing for the suppression of anarchism and the deportation of undesirable aliens, which was referred to the Committee on the Judiciary.

Mr. ROBINSON presented a petition of sundry citizens of Van Buren, Ark., praying for the enactment of legislation to provide for superannuated civil-service employees, which was ordered to lie on the table.

Mr. MYERS presented petitions of sundry citizens of Boston, Mass.; Kansas City, Mo.; Heron Lake, Minn.; Long Beach, Calif.; St. James, Mo.; Chicago, Ill.; Durham, N. C.; St. Albans, Vt.; Seattle, Wash.; Elizabeth, N. J.; and Wichita, Kans., praying for the enactment of legislation to prohibit experiments upon living dogs in the District of Columbia or any of the Territorial or insular possessions of the United States, and providing a penalty for violations thereof, which were referred to the Committee on the Judiciary.

Mr. CHAMBERLAIN. I present a petition of citizens residing in Colombia and having interests therein, asking for the ratification of the Colombian treaty. I move that it be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. GRONNA. I present sundry resolutions adopted by the commercial clubs and other organizations in my State, which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

THE COMMERCIAL CLUB,
LARIMORE, N. DAK.

The following resolutions were indorsed and adopted by the Larimore Commercial Club, December 19, A. D. 1919:

"Whereas there has been introduced into the Congress a bill known as the Siegel bill, which provides that all merchants and everyone who deals in foodstuffs, commodities, and merchandise of every kind shall mark the gross cost price on them in plain figures; and

"Whereas the aforementioned law would work a hardship and ruination to legitimate business throughout the Nation for the reason that consumers have no means of knowing the cost of doing business in any particular line and the necessity for charging wide margins on fancy or perishable goods or those seldom called for, but must be carried for a long time to accommodate the trade, and, further, that the public can not appreciate the risks run by dealers in credits, fires, and other ways; and

"Whereas we believe the interference with legitimate business and the natural economic laws by the enactment of this law would be extremely vicious. It is our belief that the present unrest throughout the Nation—the extreme manifestation of which is Bolshevism—is encouraged and promoted by similar laws and the present policy of interference with legitimate business, which is giving the public an exaggerated impression of the misdeeds and unearned profits of all capital employed in business, the wrong deeds of a few being by implication attributed to all: Therefore be it

"*Resolved by the Larimore Commercial Club*, That we place ourselves on record as being unalterably opposed to the enactment of the Siegel bill and all like bills; and be it further

"*Resolved*, That copies of these resolutions be forwarded to our United States Senators and Representatives in Congress, and that they be requested and urged to oppose the aforesaid Siegel bill and all bills of like import."

J. DEXTER PEIRCE, *Secretary*.

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THE COMMERCIAL CLUB,
LARIMORE, N. DAK.

The following resolutions were indorsed and adopted by the Larimore Commercial Club, December 19, A. D. 1919:

"Whereas civilization and organized society is threatened by sedition and anarchy, openly preached and organized, to a very alarming extent; and

"Whereas there is no law on our statute books to protect us from this very real and most frightful danger; and

"Whereas Congressman MARTIN L. DAVEY has introduced a bill, known as H. R. 10650, designed to meet the emergency: Therefore be it

"*Resolved by the Larimore Commercial Club*, That we do most heartily and emphatically indorse said bill, H. R. 10650, and would most earnestly urge the Congress to adopt the same without delay, with sufficient appropriation for its effective enforcement, as we deem it one of the most important, most necessary, and most urgent measures now before Congress; and be it further

"*Resolved*, That copies of these resolutions be sent to each of our Senators and Representatives in Congress and to Congressman DAVEY."

J. DEXTER PEIRCE, *Secretary*.

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THE COMMERCIAL CLUB,
LARIMORE, N. DAK.

The following resolutions were adopted by the Larimore Commercial Club, December 19, 1919:

"Whereas, first, there has long existed in this country the thought that labor should have the right to combine to strike in order to better its condition of employment and its compensation therefor; and

"Second, in recognition of this so-called right the Federal antitrust acts have been so amended as to legalize it; and,

"Third, certain rights are also guaranteed to all the people of the United States under the Constitution, to wit, the right to labor without outside dictation or interference, and in like manner to enjoy the fruits of such labor and in general the pursuit of happiness; and,

"Fourth, said rights have been invaded by the unrestrained exercise of the right to strike by the labor organizations until the unrestrained exercise of said power now threatens to become competitive and in conflict with the power of the Nation; and,

"Fifth, said power and said so-called rights have been conferred without restriction, and said power and said rights have been abused by national strikes by a minority of the workers, threatening the very life of the people through famine and exposure to the elements: Therefore be it

"*Resolved by the Larimore Commercial Club*, That the attention of our Senators and Representatives in the Congress of the United States be called to this situation, and that they be requested to bring about a revision of these antitrust acts and the enactment of other acts, to wit:

"(a) To repeal all acts conferring privileges upon special classes, so that all classes of citizens be made equal in fact before the law;

"(b) That the Federal antitrust act declare all combinations in restraint of trade which are injurious to the public good to be unlawful;

"(c) That said act recognize that while certain combinations might not be injurious to the entire public, they might be injurious to individuals whose rights should be respected, and that it therefore provide that every combination, voluntary or otherwise, shall adequately make itself financially responsible for the acts of its officers, its agents, and its members, and place itself in position where it can be made legally and actually answerable for all injury caused thereby; and

"(d) That there be enacted into law the principles of arbitration."

J. DEXTER PEIRCE, *Secretary*.

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We, the undersigned, are opposed to and will endeavor to defeat by voice and vote any and all railroad legislation and legislators endeavoring to validate watered stock, pass antistrike legislation, or return the roads immediately under any plan without giving full and just consideration to all plans.

R. A. Murphy, New Rockford, N. Dak., clerk; Shirley S. Packard, New Rockford, N. Dak., clerk; Fred W. Packard, New Rockford, clerk; Fred J. Freel, P. F. I.; William A. Bakey, baggageman; George W. Wenz, clerk; Louise Dunham, clerk; M. E. von Almen; Hugh Kennedy, clerk; Margaret Wren, clerk; Harry E. Crepps, clerk.

—

DEVILS LAKE, N. DAK.

Whereas more than one year has elapsed since the signing of the armistice, and practically nothing has been done by Congress in the line of beneficial legislation for ex-service men and women; and

Whereas the national convention of the American Legion held at Minneapolis, Minn., on November 10, 11, and 12, 1919, went on record as being in favor of additional compensation in the form of a bonus for ex-service men and women, and, although no specific sum was named, the sentiment of the convention seemed to be that about $1 per day for each day of service would be just and right; and

Whereas said convention went on record as being in favor of a plan whereby ex-service men could borrow money from the Government for a long term at a low rate of interest for the purpose of buying or developing farms or city homes: Therefore be it

Resolved, That the Tim Running Post, No. 24, of the North Dakota Department of the American Legion, respectfully requests and petitions the Members of Congress from North Dakota to use all their energy and influence so that Congress may adopt measures embodying the above recommendations of the American Legion without any further delay, and we especially request that these matters be advanced on the legislative calendar, so that this beneficial legislation may be adopted within the next few weeks.

TIM RUNNING POST OF THE AMERICAN LEGION.
By C. M. BRYANT, *Post Commander*.

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BROTHERHOOD RAILWAY CARMEN OF AMERICA,
Devils Lake, N. Dak., December 12, 1919.

Hon. A. J. GRONNA,
Washington, D. C.

DEAR SIR: There is considerable legislation pending in Congress at the present time relative to turning the roads back to private control. Among the several bills now under consideration are clauses that are a direct affront to organized labor.

Chief among these is the clause prohibiting strikes. Legislation of this kind, instead of bringing about harmony between employer and employee, only adds fuel to the flames of discontent, and you may rest assured that it will be met with the strongest of opposition. Organized labor refuses to go back to the days of involuntary servitude, and we wish to inform our Representatives in Washington that we desire no laws of this kind and that we wish to retain the roads under Federal control for at least two years, so that it can be demonstrated that Federal control can be made a grand success instead of a failure, as the kept press would lead us to believe.

We realize that there is a large deficit, but we know that the private corporations could not run the roads one cent cheaper; in fact, we know that the corporation officials to a large extent have not exerted themselves to make a success of the administration. We are told daily that the Government is incapable of

properly handling the roads. To make assertions of this kind only belittles our Government. We have seen railroads go into the hands of the receiver and seen the Government step in and straighten matters out and put the road on its feet again.

We have faith in our Government, and we are frank in saying that America is no place for those who have not. All we want is to be treated as Americans and our Government given a chance to demonstrate its ability in time of peace as well as in time of war.

Respectfully, yours,

JOHN WILLIAMS, *President.*

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FARGO, N. DAK., *November 25, 1919.*

Senator A. J. GRONNA,
Washington, D. C.

SIR: At a meeting of former Fargo service men, the following preamble and resolutions were adopted:

"Whereas we consider that all soldiers, sailors, and marines who served in the World War made great sacrifices that the war might be won; and

"Whereas the purchase of Liberty bonds, the payment of the premium on insurance, and the allotments absorbed all of the private's pay; and

"Whereas the $60 bonus was not sufficient to purchase clothing equal to that which was discarded when we entered the service: Therefore,

"*Resolved*, That the undersigned respectfully ask you to work and vote for the passage of the private soldiers' and sailors' legion bill now pending in Congress, providing:

"'1. For Government employment of demobilized service men who are unable to secure work in private employment.

"'2. A share in the unused land of the United States for all veterans of the World War.

"'3. A $500 cash bonus for all veterans.

"'4. Just and liberal compensation for all wounded and disabled veterans.

"'5. Review and rectification of all court-martial sentences, and return of court-martial fines for minor offenses.

"'6. Repeal of the taxes on luxuries such as ice cream, soda water, soft drinks, and moving pictures.'

"August B. Reinholt, Carl A. Hanson, Louie Bratvold, Earl D. Johnson, Edward Lee Coy, Wm. E. Brentzel, Ronald C. Bentley, Kenneth W. Green, Christian S. Benson, Ralph Hill, Murvile F. Aughdal."

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MINOT LODGE No. 1089, B. P. O. E.,
Minot, N. Dak., December 16, 1919.

Senator A. J. GRONNA,
Washington, D. C.

DEAR SENATOR: On December 6, 1919, the Minot Lodge of Elks, No. 1089, after due consideration, adopted the following resolution and instructed me, as committee chairman, to forward to you a copy of said resolution:

"*Resolved*, That we view with deep concern the spread of disloyalty and seditious sentiments promulgated by syndicalists, I. W. W's., and Bolsheviki.

"That we believe that the time has arrived when Americans should assert themselves and drive from their shores all disloyal agents, and adequately punish those who betray their country by disloyal acts. We hereby call upon the United States Congress to immediately enact a law providing for the summary deportation of every alien in the country who is an enemy of this Government.

"That the law should further provide for the immediate cancellation of the citizenship papers of any naturalized citizen affiliated with and lending aid and comfort to such enemy aliens.

"That we believe no person should be permitted to issue or circulate any writing or pamphlet which has for its apparent object the undermining of American institutions or the inciting of rebellion."

MINOT LODGE No. 1089,
(Consisting of 800 loyal American citizens.)
By ARTHUR M. THOMPSON,
Chairman Committee on Resolutions.

Mr. HITCHCOCK. I present a resolution adopted in Pittsfield, Mass., at a meeting of 700 representative men and women of Berkshire County, asking for the early ratification of the treaty with such interpretative reservations as may be necessary to secure the acquiescence of other nations. I ask that the resolution may be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

PITTSFIELD, MASS., *January 3, 1920.*

GILBERT M. HITCHCOCK,
United States Senator from Nebraska.

MY DEAR SENATOR: At a meeting of 700 representative men and women of Berkshire County, held in the interest of the ratification of the peace treaty with the league of nations covenant and addressed by President Woolley, of Mount Holyoke College, and by Dean Charles H. Haskins, of the Graduate School of Harvard University, the following motion was unanimously adopted:

"We, a body of men and women of Berkshire County, gathered in Pittsfield, Mass., on Sunday, December 28, 1919, are convinced that it is supremely important that the Senate at the earliest possible moment should ratify the treaty of peace and the league of nations covenant with such proper and necessary interpretative reservations as will readily permit the other signatories to acquiesce in the conditions stated by the United States. We, therefore, hereby move that the Senators be urged to promote such action."

JULIA VAN RENSSELAER CROWELL, *Secretary.*

Mr. HARRISON presented a petition of sundry citizens of Eret, Miss., praying for the retention of Government control of railroads for two years, which was ordered to lie on the table.

He also presented a resolution of the Philomathean Society of Cumberland University, favoring the ratification of the league of nations, which was ordered to lie on the table.

Mr. CAPPER presented a petition of the faculty of the University of Kansas, Lawrence, Kans., together with a petition of the American Chemical Society, of Philadelphia, Pa., praying for the enactment of legislation providing for the encouragement and protection of the American dye industry, which were referred to the Committee on Finance.

He also presented a petition of Local Branch Kansas Federation of Women's Clubs, of Lyons, Kans., praying for the incorporation of relative rank for Army nurses in Army reorganization legislation, which was referred to the Committee on Military Affairs.

He also presented a memorial of the University Monthly Meeting of Friends, of Wichita, Kans., remonstrating against the shipment of intoxicating liquors to Cuba and foreign countries, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Ministerial Association of Wichita, Kans., remonstrating against intervention in Mexico, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Chamber of Commerce of Ellsworth, Kans., remonstrating against the passage of the so-called Siegel bill, providing for the marking of the cost price on articles of merchandise offered for sale, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of Hepler, Kans., remonstrating against compulsory military training, which was referred to the Committee on Military Affairs.

Mr. STERLING presented petitions of the faculty of the Dakota Wesleyan University, Mitchell, S. Dak., and of sundry citizens of Corsica, S. Dak., praying for the ratification of the treaty of peace with Germany, which were ordered to lie on the table.

Mr. ELKINS presented a petition of Huntington Post, No. 16, American Legion, of Huntington, W. Va., praying for the enactment of legislation for the suppression of anarchism, which was referred to the Committee on the Judiciary.

He also presented memorials of Local Lodge No. 85, International Brotherhood of Blacksmiths, Drop Forgers, and Helpers, and of sundry employees of the Chesapeake & Ohio Railroad, of Huntington, W. Va., remonstrating against the immediate return of railroads to private ownership, which were ordered to lie on the table.

Mr. MYERS presented a petition of the Commercial Club of Oswego, Mont., praying for the enactment of legislation providing for a revolving fund to furnish seed grain to farmers in drought-stricken regions, which was referred to the Committee on Appropriations.

Mr. McLEAN presented petitions of the Men's Bible Class of the First Church of Christ of West Hartford, of sundry citizens of Watertown, and of Local Grange No. 64, Patrons of Husbandry, of Storrs, all in the State of Connecticut, praying for the ratification of the treaty of peace with Germany, which were ordered to lie on the table.

He also presented a petition of the New London County Pomona Grange, No. 6, Patrons of Husbandry, of Norwich, Conn., praying for the enactment of legislation providing for the marking by the manufacturers thereof of the percentage of wool in all woolen clothing fabrics, which was referred to the Committee on Finance.

He also presented a memorial of Palos Council, No. 35, Knights of Columbus, of Bristol, Conn., remonstrating against the taking over by the War Department of the war activities of the Knights of Columbus, which was referred to the Committee on Military Affairs.

He also presented a petition of the University Club, of Hartford, Conn., praying for the enactment of legislation providing for the retirement of physically disabled emergency officers of the Army, which was referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Hartford, Waterbury, and Bridgeport, all in the State of Connecticut, praying for the enactment of legislation providing for the retirement of civil-service employees, which were ordered to lie on the table.

He also presented a petition of Leon Goodale Post, No. 56, American Legion, of Glastonbury, Conn., praying for the enactment of legislation providing for the suppression of anarchy and the deportation of undesirable aliens, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEE ON INDIAN AFFAIRS.

Mr. CURTIS, from the Committee on Indian Affairs, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 620. A bill authorizing the issuance of patent to the Pioneer Educational Society and its successors for certain lands in the diminished Colville Indian Reservation, State of Washington (Rept. No. 344); and

H. R. 400. A bill authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims (Rept. No. 345).

Mr. CURTIS, from the Committee on Indian Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 3391. A bill to amend an act entitled "An act providing for the sale of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Okla.," approved February 8, 1918 (40 Stat. L., p. 433) (Rept. No. 346); and

H. R. 396. A bill to authorize the payment of certain amounts for damages sustained by prairie fire on the Rosebud Indian Reservation, in South Dakota (Rept. No. 345).

BENJAMIN O. KERLEE.

Mr. FERNALD. I report back favorably, with an amendment, from the Committee on Claims the bill (S. 25) for the relief of Benjamin O. Kerlee and I submit a report (No. 348) thereon. I believe the bill ought to have immediate consideration.

The VICE PRESIDENT. Is that a suggestion or is it a request of the Senator from Maine for the present consideration of the bill?

Mr. FERNALD. I make the request.

Mr. SMOOT. Let the bill be first read, Mr. President.

The bill was read.

Mr. MYERS. Mr. President, I hope there may be unanimous consent for the immediate consideration of this bill. It presents a very pitiable case and involves the expenditure by the Government of only $1,200. The claim has been very carefully and thoroughly investigated by the Claims Committee and the bill has been unanimously recommended for passage. The bill has been long delayed, partially through my fault in not having time, owing to my many and pressing duties, to obtain for the committee and present all of the evidence required and press the matter before the committee. I know it is a thoroughly meritorious claim.

The bill now having been unanimously recommended for passage, I urge its immediate consideration.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, line 6, to strike out "$5,000" and insert "$1,200," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Benjamin O. Kerlee the sum of $1,200 for injuries received while employed in the service of the Government as a workman in the Kaniksu National Forest, in the State of Idaho, during the year 1915.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MYERS. I ask that the report of the committee be printed in the RECORD in order that the House committee may have the benefit of it.

The VICE PRESIDENT. Without objection, it is so ordered.

The report submitted this day by Mr. FERNALD is as follows:

The Committee on Claims, to whom was referred the bill (S. 25) for the relief of Benjamin O. Kerlee, having considered the same, report favorably thereon, with the recommendation that the bill do pass with an amendment.

Your committee recommend that the bill be amended by striking out of line 6 of the printed bill the figures "5,000" following the dollar mark and inserting in lieu thereof the figures "1,200," so as to provide for the appropriation of $1,200 instead of $5,000, and as so amended the committee reports the bill with the recommendation that it do pass.

Benjamin O. Kerlee is 36 years of age. He has living a wife and five children. All of the children are young and helpless, the eldest being 10 years of age. He has no means or property, and is in very poor circumstances financially.

Mr. Kerlee resides at Missoula, Mont. He has always lived in that section of the country. In the spring of 1915, while residing in Ravalli County, Mont., he entered the United States Forest Service under a temporary appointment as temporary workman. He had passed the examination for forest ranger and had promise of a permanent appointment as forest ranger, to begin June 1, 1915. His compensation while serving under a temporary appointment as temporary workman was the equivalent of $1,200 per year. May 12, 1915, after he had been in the service about two months in the Priest River country, in the State of Idaho, on a forest reserve, Government land, while in the employ of the United States Government as a temporary workman of the Forest Service, and while performing his duties as such, in the course of such employment, without any fault or neglect of his, a dead forest tree on the forest reserve fell on him and dislocated his shoulder blade and broke two ribs and crushed the ankle of his left leg, breaking such ankle and breaking five or six bones therein; and he sustained other bruises and internal injuries. He was taken to a hospital, where he was confined four months, when he was sent to his home at Hamilton, Mont. While in the hospital an operation on his ankle was performed by a surgeon, by direction of the United States Forest Service officials. It appears that the broken ankle bones were improperly set. After returning home, on account of such faulty surgical operation, it appears he had to have performed on his ankle another operation, which latter operation was not entirely successful.

Mr. Kerlee was confined to his bed the greater part of a year. For the period of 14 months he was unable to perform any labor at all. He was kept on the Government pay roll one year from the time he entered the service, being 10 months after his injury. He was paid in all one year's salary, of which he earned that portion representing two months. Thus he was paid a salary of $100 per month for 10 months while confined to his bed, being the sum of $1,000. That is all he has ever received from the Government.

Mr. Kerlee has never been able to do any work of much consequence since he was hurt. He has had performed at his own expense several operations on his injured ankle. It appears it was improperly treated at the beginning and that it has been impossible since then to remedy the harm he sustained and to overcome the injury. He is still lame. For nearly five years he has been able to do but little work. He has performed some light work at odd jobs but has never been able to hold a position long. He is incapacitated for manual labor of any consequence. His doctors inform him that he will have to have another operation performed. This will cost him about $600, and the loss of time involved will be from 8 to 12 months. His foot will have to be in a plaster of Paris cast from four to six months. He has no money or means. His long confinement, enforced idleness, and repeated operations consumed all he had. His father and other relatives have helped him almost to the extent of their ability. He is in debt to stores, banks, and doctors to the extent of about $2,500, besides having expended $800 of his own money. The probability is he will never again be strong or sound but always a cripple.

He is now able to do some light work, and earns a little money but not enough to support himself and family. His scant earnings are supplemented by occasional contributions from his father. His father is not able to do more than help out with enough barely to sustain the son and his family. These facts are sustained by affidavits of Mr. Kerlee and certificates from physicians.

This bill was referred by the committee to the Secretary of Agriculture for his opinion and such information as he might give. His response was as follows:

AUGUST 2, 1919.

Hon. SELDEN P. SPENCER,
Chairman Committee on Claims, United States Senate.

MY DEAR SENATOR: Receipt is acknowledged of your request of July 29 for a report upon the bill (S. 25) for the relief of Benjamin Kerlee, together with the papers, or copies of the same, on file in this department, and for the department's opinion as to the merits of the claim.

In accordance with your request, there is inclosed a complete copy of all papers in this case on file in the Forest Service, as follows:

Forms C. A.–1 B.
Forms C. A.–4 B.
Forms C. A.–5 B.
Forms C. A.–8.
Forms C. A.–15 A.
Forms C. A.–2 B.
Forms C. A.–15 A.

Letter of May 10, 1015, from the district forester to the forest supervisor.

Letter of December 15, 1915, from Benjamin Kerlee to the district forester.

Letter of December 20, 1915, to Benjamin Kerlee, signed by acting district forester.

Letter of December 20, 1915, to the forester, signed by acting district forester.

Letter of December 30, 1915, to the district forester, signed by assistant forester.

Letter of June 2, 1916, to the chief clerk, Forest Service, signed by the chief clerk, Department of Labor, Bureau of Labor Statistics.

The records in the Forest Service show that Benjamin O. Kerlee, a laborer employed in connection with the building of a telephone line on the Kaniksu National Forest, was struck by a falling snag while leading a horse along a trail in the performance of his duties as packer and was rendered incapable of doing work of the kind for which he was employed during a period lasting more than one year. While Mr. Kerlee would not have been employed for the entire year had the injury not occurred, under the language of the compensation act of May 30,

1908, and the regulations of the Secretary of Labor, he was paid full compensation, including the commuted value of the subsistence which would have been received by him as a part of his compensation for the full period of one year. His rate of money compensation was $2.50 per day and the value of the subsistence $1 per day. Mr. Kerlee was paid at this rate for 366 days; the total amount received by him was $1,281. At the end of the compensation period the forest supervisor reported that Mr. Kerlee claimed to be still temporarily incapacitated for resuming the duties upon which he was engaged at the time of injury, although his ankle continued to improve, and that he had changed his occupation to that of barber, for which he would not be incapacitated.

This department has no information regarding Kerlee's present condition or his occupation. The record does show that he was incapacitated at the expiration of the period for which he could be compensated under the act of May 30, 1908.

This appears to be one of those unfortunate cases wherein an employee of the Government while performing official service received injuries for which the administrative officials, under the existing law, could not make adequate compensation. The department is of the opinion that the case, in general, is a meritorious one, but it is a question for the Congress to determine whether and to what extent he should receive further compensation on account of the injuries suffered by him and his consequent incapacity.

In accordance with your request, the affidavit signed by Mr. Kerlee, which was transmitted with your letter, is returned herewith.

Very truly, yours,

D. F. HOUSTON, *Secretary.*

This is a pitiable case, but the general rule being not to pay a claimant who was an employee of the Government when injured more than one year's salary, the committee decided to recommend an appropriation for this claimant of one year's salary—$1,200. It believes that much should be awarded him. The circumstances of the case are so pitiable that a larger sum might justly be awarded, but the committee does not deem it wise to go beyond its usual rule of an allowance of one year's salary. Therefore the committee recommends an appropriation of $1,200, and has recommended that the bill be so amended as to provide therefor. With that amendment the committee is unanimously and emphatically of the opinion that the bill should be enacted.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McKELLAR:

A bill (S. 3603) providing for the removal of the remains of certain soldiers, sailors, and marines to the United States; to the Committee on Military Affairs.

A bill (S. 3604) to carry into effect the findings of the Court of Claims in matter of the claim of the Overton Hotel Co.; to the Committee on Claims.

A bill (S. 3605) granting an increase of pension to Andred Tanner; to the Committee on Pensions.

By Mr. HENDERSON:

A bill (S. 3606) for the relief of the next of kin of Herman Okerman; to the Committee on Claims.

By Mr. HENDERSON (for Mr. PHELAN):

A bill (S. 3607) authorizing the Secretary of Commerce to lease San Miguel Island, Calif., and for other purposes; to the Committee on Public Lands.

By Mr. GRONNA:

A bill (S. 3608) to amend an act entitled "An act to prevent the importation of impure and unwholesome tea," as amended by the act approved May 16, 1908 (35 Stat. L., 163), entitled "An act to amend an act entitled 'An act to prevent the importation of impure and unwholesome tea,' approved March 2, 1897"; to the Committee on Agriculture and Forestry.

By Mr. WADSWORTH:

A bill (S. 3609) to amend the act of Congress approved April 27, 1914; and

A bill (S. 3610) for the relief of William S. Britton, formerly second lieutenant of Infantry, who has been erroneously dropped from the rolls of the United States Army; to the Committee on Military Affairs.

By Mr. McNARY:

A bill (S. 3611) to obtain revenue and to promote and encourage the production of chrome and chromium ores and manufactures thereof in the United States and its possessions; to the Committee on Finance.

By Mr. ROBINSON:

A bill (S. 3613) for the relief of the Grand Lodge of Free and Accepted Masons, of Arkansas; to the Committee on Claims.

By Mr. THOMAS:

A bill (S. 3614) granting a pension to Henry J. Schlosser (with accompanying papers); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 3615) to carry out the findings of the Court of Claims in the case of George T. Sampson, survivor of the firm of George T. and Augustus Sampson, against the United States; to the Committee on Claims.

A bill (S. 3616) granting a pension to Flora H. Whitney (with accompanying papers); to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 3617) to amend section 800 of the revenue act of 1918, relating to the tax on season or subscription tickets; to the Committee on Finance.

By Mr. NEW:

A bill (S. 3618) granting an increase of pension to Catherine Parsons (with accompanying papers);

A bill (S. 3619) granting an increase of pension to George W. Yocum (with accompanying papers);

A bill (S. 3620) granting a pension to Silas D. Huckleberry (with accompanying papers);

A bill (S. 3621) granting an increase of pension to Emma Jennings (with accompanying papers);

A bill (S. 3622) granting an increase of pension to John M. Barber;

A bill (S. 3623) granting a pension to Frederica Carll; and

A bill (S. 3624) granting an increase of pension to Allen W. Banks (with accompanying papers); to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 3625) granting a pension to James G. Weyant; and

A bill (S. 3626) granting a pension to Leota M. Jones; to the Committee on Pensions.

By Mr. SPENCER:

A bill (S. 3627) granting an increase of pension to John Christian Hohman; and

A bill (S. 3628) granting an increase of pension to Lewis C. Clemons; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 3629) for the relief of Berdie Olson (with accompanying papers); to the Committee on Claims.

A bill (S. 3630) granting a pension to Solomon F. Kimball;

A bill (S. 3631) granting a pension to William Derby Johnson; and

A bill (S. 3632) granting a pension to Mary C. Sorensen; to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 3633) granting an increase of pension to Julia I. Gritzmacher (with accompanying papers);

A bill (S. 3634) granting a pension to John B. McWilliams (with accompanying papers);

A bill (S. 3635) granting a pension to James Sherman Henry (with accompanying papers);

A bill (S. 3636) granting a pension to Robert Samuel Harris (with accompanying papers); and

A bill (S. 3637) granting a pension to James Buford (with accompanying papers); to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 3638) granting an increase of pension to Robert B. McCumber (with accompanying papers); to the Committee on Pensions.

By Mr. KING:

A bill (S. 3639) making an appropriation for the further reclamation of arid lands, and for other purposes; to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. KING. Mr. President, I introduce the bill which I send to the desk, and I ask for its appropriate reference. A little later, during the morning hour, I shall ask to submit one or two observations in respect to the bill and its importance.

The bill (S. 3612) to authorize the United States Bureau of Efficiency to provide for the promotion, transfer, and discharge of certain employees of the executive departments, bureaus, boards, commissions, and agencies, and for other purposes, was read twice by its title.

The VICE PRESIDENT. To what committee does the Senator desire the bill referred?

Mr. KING. I am not sure to which committee the bill should go—whether it should be referred to the Committee on Civil Service and Retrenchment or to the Committee on the Judiciary. I will, however, ask that it may go to the Committee on Civil Service and Retrenchment.

The VICE PRESIDENT. The bill will be so referred.

Mr. GORE. I introduce a joint resolution in the nature of a proposed amendment to the Constitution, which I ask to have printed in the RECORD and referred to the Committee on the Judiciary.

The joint resolution (S. J. Res. 140) amending the Constitution of the United States so as to make citizenship a qualification to vote for Members of Congress was read the first time by its title, the second time at length, and referred to the Committee on the Judiciary, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution be, and is hereby, proposed to the States, to be valid as a part of the Constitution when ratified by the legislatures of the several States as provided by the Constitution:

"No person other than a citizen of the United States shall be entitled to vote for Senators and Representatives in Congress or for electors to choose a President and a Vice President when such electors are chosen by direct vote of the people."

WATER-POWER DEVELOPMENT.

Mr. STERLING submitted an amendment intended to be proposed by him to the bill (H. R. 3184) to create a Federal power commission, and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands in the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved August 8, 1917, and for other purposes, which was ordered to lie on the table and be printed.

Mr. NUGENT submitted an amendment intended to be proposed by him to the bill (H. R. 3184) to create a Federal power commission, and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands in the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved August 8, 1917, and for other purposes, which was ordered to lie on the table and be printed.

Mr. PHIPPS submitted an amendment intended to be proposed by him to the bill H. R. 3184, an act to create a Federal power commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved August 8, 1917, and for other purposes, which was ordered to lie on the table and be printed.

SEDITIOUS ACTS AND UTTERANCES.

Mr. POMERENE submitted an amendment intended to be proposed by him to the bill (S. 3317) to prohibit and punish certain seditious acts against the Government of the United States and to prohibit the use of the mails for the purpose of promoting such acts, which was ordered to lie on the table and be printed.

LIVING CONDITIONS OF TRAINMEN.

Mr. SMITH of Georgia. I offer a resolution, which I ask to have read and referred to the Committee on Interstate Commerce.

The resolution (S. Res. 267) was read and referred to the Committee on Interstate Commerce, as follows:

Resolved, That the Interstate Commerce Commission be, and it is hereby, requested to investigate and report upon living conditions of trainmen who are compelled to lie over between trips at terminals of railroads, and also to investigate the feasibility on the part of railroad companies of furnishing to their men such accommodations.

STOCKYARD LICENSES.

Mr. NORRIS. I submit a Senate resolution calling on the Secretary of Agriculture for certain information, and I ask unanimous consent for its present consideration.

The resolution (S. Res. 266) was read, considered by unanimous consent, and agreed to as follows:

Resolved, That the Secretary of Agriculture be, and he is hereby, directed to report to the Senate the names of all live-stock commission agents who, and companies, corporations, or firms which, in the exercise of the powers conferred on him under the licensing proclamations of the President for the licensing of stockyards, dated June 18, 1918, and September 6, 1918, in pursuance of the act approved October 22, 1917, commonly known as the food-control act, have been found to have charged extortionate prices or fees for food furnished or for other services rendered, and to supply the Senate with a statement of the procedure had in all of such cases, and the present status of each case.

TREATY OF PEACE WITH GERMANY.

Mr. KING. As in open executive session, I offer a resolution and I ask that it may lie on the table. A number of petitions have been presented this morning asking for the speedy ratification of the treaty with Germany. If no action is taken within a reasonable time by the Senate looking toward the ratification of the treaty, I shall move that the Senate, as in open executive session, proceed to the consideration of this resolution. I hope during the day to have an opportunity to submit some remarks dealing with the resolution and in support of the proposition that the Senate should, at an early date, act upon the pending treaty.

The resolution was read and ordered to lie on the table and be printed, as follows:

Resolved (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the treaty of peace with Germany concluded at Versailles on the 28th day of June, 1919, subject to the following reservations and understandings, which shall be incorporated in the act of ratification, which act shall take effect and be binding upon the United States when the said reservations and understandings are accepted or otherwise assented to by three of the principal allied and associated powers:

1. The United States ratifies said treaty with the reservations and understandings hereinafter set forth upon the express condition that the United States may withdraw from the league of nations upon serving two years' notice, notwithstanding the proviso in the last section of article 1, but such withdrawal shall not absolve the United States from its obligations under international law or under treaties to which it otherwise has assented.

2. The United States so construes and understands article 10 that whatever obligation arises from said article or other provisions of the covenant of the league of nations to preserve the territorial integrity or political independence of any other country, or to employ the military or naval forces of the United States, it shall not become effective as to the United States unless Congress by appropriate action shall so provide.

3. The United States will not accept any mandate under article 22 or any other provision of the treaty, except as Congress may in its discretion determine.

4. The United States reserves to itself the right to decide what questions are within its domestic jurisdiction, and declares that all domestic and political questions relating to its internal affairs, including immigration, labor, coastwise traffic, tariff, commerce, the suppression of traffic of women and children, and all purely domestic questions, are solely within the jurisdiction of the United States and are not under this treaty submitted in any way to the jurisdiction of the league or to any organization or authority created thereby and existing thereunder.

5. That the long-established policy of the United States, known as the Monroe doctrine, as announced and interpreted by the United States, is not in any way impaired or affected by the covenant of the league of nations and is declared to be wholly outside of the jurisdiction of the league of nations and unaffected by any provisions contained in said treaty of peace with Germany.

6. The United States understands that the German rights and interests renounced by Germany in favor of Japan under the provisions of articles 156, 157, and 158 of said treaty are to be returned by Japan to China within a reasonable time after the adoption of said treaty, as provided in the exchanged notes between the Japanese and Chinese Governments under date of May 25, 1915. Accordingly the United States withholds its assent to said articles.

7. No person shall be appointed to represent the United States in connection with the execution of said treaty except as Congress shall by law provide.

8. The reparation commission provided for by said treaty shall not have power to interfere with the commerce between the United States and Germany, except in conformity with an act or joint resolution of Congress.

9. The United States, in the event of war or invasion, shall not be bound to observe the limitation of armaments to which it may have agreed, but reserves the right in such case to take such military measures and provide such armaments as Congress may in its discretion determine to be adequate for the defense of the United States.

10. The United States shall not be obligated to contribute to the expenses of the league of nations or of any official thereof, or of any organization or commission thereunder, unless and until Congress shall have by appropriate legislation provided therefor.

11. The provisions of article 16, requiring the prohibition of intercourse between nationals of the United States and of covenant-breaking States, shall be applied to the nationals of such States residing within the United States only to such extent and in such manner as Congress in its discretion may determine.

12. The provisions of articles 296 and 297 and of the annexes thereto shall not, as against citizens of the United States, be construed to confirm, ratify, approve, legalize, or validate any act otherwise illegal or in contravention of the rights of citizens of the United States.

13. The United States withholds its assent to article 23, except as the matters within such article are, or hereafter may become, the subject of international conventions to which the United States is a party.

14. The United States withholds its assent to Part XIII, comprising articles 387 to 427, inclusive, and will not be bound to participate in or contribute to the expenses of the organizations contemplated by said articles, except as Congress may hereafter in its discretion determine.

15. The United States will not be bound by any decision, finding, or other action taken by the council or by the assembly of the league of nations to which the United States has not assented, in any case in which the interests of the United States are involved and where the member whose interests are adverse to the United States, has given more than one vote by itself or through the votes of other members of the league which may have a political connection with such member.

CONTROL OF FOOD PRODUCTS.

Mr. THOMAS. Mr. President, on the 20th of December last I received a letter from Mr. Samuel Gompers, president of the American Federation of Labor, who asked me among other things to introduce it and have it printed as a part of the RECORD. I cheerfully comply with that request and ask at the same time unanimous consent to have inserted also a copy of my reply.

The VICE PRESIDENT. Without objection, it is so ordered.

The letters referred to are as follows:

AMERICAN FEDERATION OF LABOR,
Washington, D. C., December 20, 1919.

SIR: Your letter of December 1, commenting on a statement made by me as to the intention of Congress when it passed the Lever food-control bill, received.

You state you do not for a moment question the sincerity of that statement. You add, however, that the comments of Senators HOLLIS and CHAMBERLAIN, which you quoted several days ago in the Senate, indicated a clear division of opinion regarding the effects of the bill upon existing laws.

A copy of my statement as sent to you also was mailed to Senator CHAMBERLAIN with a request that he submit an opinion as to the justice of the claim that Congress never intended labor strikes should be considered a violation of the then proposed food-control act. His answer, to my mind, indicates there was

no division of opinion such as you suggest. Senator CHAMBERLAIN states in his letter, which is dated November 24, 1919:

In reply to your request for my opinion on the subject, permit me to say that I did not think the amendment was necessary, because I did not think it was the purpose of the food-control bill in any way to amend or repeal the Clayton antitrust act dealing with the right of men to strike for the purpose of adjusting their wages or to better their living conditions. I so stated, as your paper shows, on the floor of the Senate, and substantially the same views were entertained and the same statements made by other Members of the Senate and of the House.

No stronger evidence that no differences of opinion existed could be advanced than the statement made a few days ago by Senator CHAMBERLAIN after reading the history prepared by me of the passage of the food-control act.

You state that in the summer of 1918 you sought by amendment of the second draft bill to suspend the exemption of the striker and send him to the front, but that I opposed it with the vast influences behind me.

Why should not an American citizen oppose such a drastic measure? It was not considered in good faith, but as a part of a campaign by the most bitter enemies of labor to discourage all the efforts of the workers to maintain a standard of living to which they were entitled and were guaranteed in a proclamation by the President of the United States. It would also convince the workers in the allied countries that we were a nation of slackers instead of loyal citizens determined to win the war at all costs. Congress very sensibly refused to commit this country to such a course. The fact that it refused is sufficient answer to the inferences you suggest.

That you have misunderstood the American wage earners can best be shown by the following statement by Newton D. Baker, Secretary of War, made in September, 1918, near the end of the war:

When the story of America's participation in this war comes to be written, the formation of our great Army, its transfer across the seas, and the heroic battles in which it engaged will no doubt be given the most impressive place, but the wise historian will analyze the causes which made these things possible, and high among them he will find the patriotism and zeal of American labor.

Labor has brought from the mines and fields the raw materials upon which our war industries have had to depend; it has manned the workshops and factories in which those materials were fashioned into articles necessary for the equipment and supply of the soldiers; it has operated the trains and manned the ships which carried the soldiers and their supplies to the field of conflict; it has rested under the Army as a firm foundation; and in the mobilization of our national resources it has brought itself together in a spirit of service without which our financial and military efforts could not have gone forward.

This splendid cooperation on the part of labor in America has been free and voluntary; the spirit which produced it is fundamentally the democratic spirit of our institutions, the establishment of which is the reason and justification for America's participation in the war.

But labor's part in this war has not been limited to the industrial side. It has given to the Army, both for technical service and for soldier duty, tens of thousands of its craftsmen and workmen. Those who could not be spared have been kept at home, often against their wish, and those who have remained at home have taken on the additional tasks of those who went to the front, in order that the great industrial basis of the Military Establishment should be sound and strong.

The country hails its Army abroad and its Army at home as partners in the great conflict which America is waging for freedom.

Your figures concerning the number of strikes during the war are somewhat misleading. You state that between the beginning of the war and the signing of the armistice there were 6,408 strikes. In 4,201 of these, you say, the number of strikers aggregated 2,386,285. The inference is that there were not only more strikes while the war was in progress but that there were more men on strike than ever before. If you will compare your statement with the following from the Monthly Bulletin of the Department of Labor for June, 1919, from which you state you quoted, you will find you have misread the figures:

	Number strikers.
1916	1,546,428
1917	1,193,867
1918	1,192,418

You will therefore observe that during both of the years of the war, when 50 per cent more workers were employed in the country, there were about 350,000 fewer strikers than in 1916, a peace year.

The strikes during the war period are summed up in this statement by the same bulletin:

Between April 6, 1917, the date of our entrance into the war, and November 11, 1918, the date of the signing of the armistice, 6,206 strikes and lockouts occurred. The bureau has statements that but 388 strikes and lockouts, occurring during the 19 months of actual warfare, were in the war industries; that is fewer strikes than occurred during the same period in any other of the countries engaged in the war.

Deducting the strikes called by unorganized labor the actual number of strikes during the war period was 5,512. But these were not confined to any district or industry. Most of them were in the nonessential industries.

Without knowledge of the propaganda carried on in the United States in the interest of the Central Powers, is it too much to claim that the American Federation of Labor exerted a great influence to prevent, avert, and avoid strikes of great numbers and potential importance in our struggle?

Another important fact pointed out by the same bulletin is that one-half the strikes lasted 10 days or less.

It can readily be seen how easy it is to misunderstand statistical reports. But the monthly bulletin from which you quoted proves there were fewer strikes during the war years than in the year previous. During the year 1916 the average number of strikes per month was 368. The average per month during the 20 months of war was 279. You will notice also that you have added the total number of strikers for the entire year of 1917 and 1918 instead of taking 20 months. When you have corroborated these figures there is no doubt you will gladly, in the interest of fairness, correct the statement in the letter to me which you presented to the Senate. The differences are so great that the public should know the exact truth.

Labor has no desire to claim credit for what it did during the war. It did its duty to the country. It is better that others who were deeply interested and represented the Government should give their opinion. To that end I suggest that you carefully read the following from a speech made by Secretary of the Navy Daniels, Labor Day, 1918, two months before the war ended, and when it was known to all men what part labor had played and was playing in the war:

In the crucial days through which we are passing American patriotism and confidence in victory mainly rest upon the knowledge that American toilers are loyal to the core. I say knowledge, for wherein we must needs have exercised faith 16 months ago, at this hour we stand upon the sure foundation of works that have justified our faith. The full and complete enlistment of labor in this country has not only heartened America, but it has, as well, cheered and strengthened the heroic men fighting for liberty across the sea. The magnificent reception of Samuel Gompers in Great Britain, hailed there as the labor apostle of the doctrine "Win the war," shows that labor loyalty here has stimulated the spirit of fighting to victory in all allied countries. The full consecration of men of toil in our country has been demonstrated in their doffing overalls and donning the military uniforms in their increase in production in field and factory of everything needed for the maintenance of Army, Navy, and civilian population; in their robust patriotism applied in building ships in the coldest winter ever known at a speed without parallel; in the rapid production of munitions and all war materials; and in their eagerness to prosecute the war by investing their earnings in Liberty bonds and in all causes that contributed to war needs. But we owe more to the spirit of wholehearted devotion to this free land and its free institutions by organized labor, to which we owe the Labor Day holiday, than to any and all contributions of skill and savings. It is well known that of all men, peace is dearest to men who earn their bread in the sweat of their face. Before liberty was imperiled by Prussian junkerism, every labor organization was a peace society, but every one was a peace society based upon the paradox of Buck Fanshaw, "We will have peace if we have to fight for it." And they are fighting now to end the war in their day and for all time.

With 3,000,000 men under arms from field and factory, the farmers of America this year have furnished 878,000,000 bushels of wheat, as against an average crop of 600,000,000 bushels, enough to feed our own population and export 278,000,000 bushels to feed our Allies. The increase in barley and rye has been as large in proportion. The farmers have produced 13,600,000 bales of cotton as against 11,300,000 bales last year. After exporting many thousand horses and mules to the war zone, the number at home has increased 454,000. The number of milch cows has increased 390,000; other cattle, 2,000,000; sheep, 1,300,000; swine, 4,000,000. These figures illustrate what labor has done on the farm, with hundreds of thousands of its most vigorous men in the Army and Navy.

What labor has done in producing munitions, in shipbuilding, and other industrial lines is an illuminating story of American skill and untiring industry, commanding the admiration of all people. The average production of steel ingots and castings, which represents the total steel production, from 1907 to 1916, inclusive, in those peace times, was 27,210,181 tons. The production in the first year of the war mounted up to 45,800,000 tons. The average production of pig iron from 1907 to 1916, inclusive, was 27,184,330 tons. In the first year of war it increased to 39,000,000 tons. In 1917 the total coal mined in the United States was 654,728,000 tons, as against an average of something over 500,000,000 tons for the previous 10 years. These increases in basic materials are even surpassed by the record in the construction of ships, the production of munitons and other war material, evidencing that labor, reduced by hundreds of thousands of enlistments, has surpassed in production the high-water record of all past history. This, too, in the fact of the desertion of the I. W. W. leaders and certain other slackers who took advantage of higher wages to reduce the working days, failing to realize that every able-bodied man should give himself as continuously and effectively in forging the weapons for the men in the Army and Navy as do the men in trenches or on the deck of fighting ships.

When war came there were people across the seas and some people with no real knowledge of the American men in factories, who asked: "Will labor in America meet the test? Will they be ready to make the supreme sacrifice?" Nobody has asked that question since organized labor, under the leadership of William B. Wilson and Samuel Gompers, voiced the Americanism of the unions, and expressed as well the loyalty of labor without as well as within organizations. The answer is written in deeds that none may question.

It is true, as you say, that legislators are not infallible and that courts construe laws made by them contrary to the intent of the lawmakers. This was true of the Sherman Antitrust Act and many others. But the legislative intent, you say, is a proper subject for judicial inquiry when it is in doubt, but not otherwise. You add:

Yet it must be said that the assurances given you regarding this law, while not binding upon the judiciary or even upon the executive, have been respected until the coal strike carried that policy beyond the bounds of endurance.

That is, if I understand you aright, when the miners found their standard of living was being decreased below the "bounds of endurance" it was criminal on their part to seek redress from the employers who were selling coal at profiteering prices.

I note you state of sections 6 and 20 of the Clayton Act:

Each confines immunity to legitimate acts and conduct, while section 20 merely recites the equity law of injunctions as it has existed for centuries.

It may have been the law for centuries, but so far as the American workman is concerned he never received the benefit of it and therefore sought the enactment of the Clayton law. You suggest that the law exempting farmers and organized wage earners from legal responsibility clothes them with privileges to be exercised on any scale whatever. The Clayton Act merely provides that what one man may do lawfully should not be held unlawful when done by two or more men. What special privilege is contained in that principle?

Then you add that "vested interests enjoyed similar immunity for many years and with similar consequences." Is there any comparison in the exemption from prosecution of wage earners and farmers who are seeking to better their economic condition as a result of their own labor and the violations of law by the associated interests and speculators and exploiters of material things the products of labor? The Supreme Court read into the antitrust law the "reasonableness" of combinations of big business. No such interpretation was given in the activities of the work people in their endeavor to secure relief from injustice and improvement in the conditions and standards of life and work.

Even to-day there are many violations of the food-control act that escape the eye of the prosecutors. Hoarders of food and profiteers appear to be immune, as those who are guilty continue their methods without hindrance from those who should do the prosecuting.

As to the coal strike, I can not understand your statement when you say:

It is the lawful carrying out of no legitimate object.

Is it not legitimate for the miners to seek sufficient wages upon which to support themselves and their dependents? Have they not the right to ask for higher wages and to regulate the hours of employment, and particularly when it is known and shown that the mine owners have profited far beyond even the wildest suggestion of their profiteering careers? Should 400,000 men dig and strive to live on a small pittance when the mine owners had complete freedom in making prices for the product turned out by the miners? Until the strike all governmental restriction as to the selling price of coal had been removed.

You admit the right of wage earners to organize to better their condition, but when they seek to do so you advise their incarceration on the false assumption that they are fighting the 110,000,000 people in the United States.

You state further:

The miners' organization is not in itself a conspiracy in restraint of trade. No one will so contend. But if the strike itself and its declared purpose is not such a conspiracy, then words have ceased to mean anything and human conduct must be measured by other standards than human experience. It proposes to force a general wage scale accompanied by a diminution of hours, without regard to the consequences either to the operator, consumer, or Government.

The "declared purpose" of the strike was not as you state. The declared and real purpose was to secure for the miners a sufficient wage to meet the high cost of living. After the contract was made between the operators, miners, and Government for the period of the war, or until March, 1920, the miners scrupulously lived up to their agreement. This contract, upon which so much stress is now laid, provided that certain grievances were to be adjusted or decided by the Fuel Administrator. But after the armistice the Fuel Administrator, or, rather, the Government, withdrew from the tripartite agreement and gave the operators carte blanche to charge what they would for coal. The miners were left high and dry. Their employers could charge what they pleased for coal, and the Government remained unmoved. When the miners had a grievance that under the tripartite agreement should be referred to the Fuel Administrator—otherwise the Government—there was no one to hear it.

It was this situation that satisfied the miners the war had ended so far as their contract was concerned. They had a perfect right so to believe and determine. There were no rules governing the operators. They could profiteer at will. Then why should there be any Government regulation of the miners alone? The miners, satisfied they were right—and they were—decided to ask the mine owners for increases in wages and a shortening of the workday.

The miners are pieceworkers. They are paid by the ton. Statistics show that the average price per ton received by them is 84 cents. Out of this they must pay for the powder they use; for the tools with which they dig the coal and the blacksmith who sharpens them; for the lamp which guides them in the darkness of the mines and the man who weighs the coal they load into the cars. If the mine is filled with gas, they must rent costly safety lamps from the operators. They must report for work whether it is given them or not. At the same time, a handy man in Washington receives $1 for carrying a ton of coal from the street into a shed or basement.

As the miners are paid by the ton, what difference does it make how many hours a day they work? As the day advances the air in a mine becomes fetid and extremely unhealthy from the breathing of the animals and men. The last two hours are the most deadly. Why should the miners not want to reduce the hours of labor near to the safety zone?

In the past they worked one, two, and three eight-hour days a week. Reducing the hours to six for five days would give them steadier employment and the people would have all the coal they needed. That was the purpose of a diminution of hours. And, as it would not affect the production of coal, I can not understand how the fact should be used against the miners. The consumer would lose nothing, but the miners would gain health and leisure time on the surface of the earth.

That the operator has been profiteering was proven by the Government when it decided the operator should pay an increase of 14 per cent in wages without adding it to the price of coal. All these months since price restrictions were removed the operators have been charging excessive prices. It is safe to say a large number of operators would pay willingly the 31 per cent recommended by the Secretary of Labor and sell coal at present prices. But a few operators are in a combination known as the Coal Mining Association.

The "declared" purpose of the miners, therefore, is to secure by higher wages a share of the increased profits of the operator. They know the operators can afford to pay it. Are 400,000 men, totaling with their dependents more than 2,000,000 humans, to surrender the right to protest and stop work in order to make the wrongs they suffered known to the people because others of our people may be inconvenienced?

The miners are loyal citizens. They proved their loyalty during the war by remaining at work and mining fuel for the munition plants, upon which so much depended. But the war is over. President Wilson has said so.

In substantiation of this, I call your attention to an address delivered by President Wilson to a joint session of the Senate and House November 11, 1918, as follows:

We know only that this tragical war, whose consuming flames swept from one nation to another until all the world was on fire, is at an end, and that it was the privilege of our own people to enter it at its most critical juncture in such fashion and in such force as to contribute in a way of which we are deeply proud of the great result.

In vetoing the prohibition bill because of the war-time provisions, President Wilson reiterated this statement. He said:

I object to and can not approve that part of this legislation with reference to war-time prohibition. It has to do with the enforcement of an act which was passed by reason of the emergencies of the war and whose objects have been satisfied in the demobilization of the Army and Navy and whose repeal I have already sought at the hands of Congress.

Even if the war is not technically at an end it is unquestionably practically at an end.

The Government admitted it when it withdraw from the tripartite agreement and removed all selling-price restrictions for coal. Must the miners be made victims of the high cost of living while the operators are permitted to go their way unrestricted by the legislative, executive, or judicial arm of the Government?

Is seeking better wages and conditions of employment unlawful? Should the wives and children of the miners go hungry and illy clad because the operators refused to negotiate a new wage agreement? For the operators are to blame for the present strike. They claimed the war had not ended, and that they would not make a new wage scale for the present time under any conditions except for the period after March, 1920.

Another misunderstanding of the conditions surrounding the miners' strike seems to have been taken for a fact by you when you say:

But the leaders of 400,000 men engaged in a basic industry and contending for immunity from all law must have their way whatever the consequences to the remaining 110,000,000 of free Americans.

The best answer to this is the fact that although the leaders of the miners called off the strike the miners had not returned

to work. That certainly demonstrates that it was a miners' strike, not a strike called by their leaders.

But there is much more to say on this question. The real justice of the miners' strike can not be better justified than by quoting from Secretary of the Interior Franklin K. Lane. His report to the President dated November 20, 1919, would appeal to the most flinty hearted. The fact, as set forth by him, that miners were working only 39 hours a week before the strike and 24 hours a week last spring, and that in Ohio, even in the banner year of 1918, they averaged less than 200 days, ought and should bring to their aid every right-thinking man in America, whether he be a layman or a legislator. Read what the Secretary of the Interior has to say and then judge whether the miner was justified in quitting work:

The record year 1918, with everything to stimulate production, had an average of only 249 working days for the bituminous mines of the country. This average of the country included a minimum among the principal coal-producing States of 204 days for Arkansas and a maximum of 301 for New Mexico. In such a State as Ohio the average working year is under 200 days. In 1917 the miners of New Mexico reached an average of 321 days, and in the largest field, the Raton field, it was actually 336, probably the record for steady operation.

This short year in coal-mine operation is due in part to seasonable fluctuation in demand. The mines averaged only 24 hours a week during the spring months. The weekly report of that date showed that 80 per cent of the lost time was due to "no market" and only 15 per cent to "labor shortage," while "car shortage" was a negligible factor. In contrast with this should be taken the last week before the strike when the average hours operated were 39 and "no market" was a negligible item in lost time, while "car shortage" was by far the largest item. It follows that the short year is a source of loss to both operator and the mine worker and is a tax on the consumer.

With substantially the same number of mines and miners working this year as last the accumulative production for the first 10 months of this year is 100,000,000 tons less than that mined in the same period last year. This 25 per cent loss in output means that both plant and labor have been less productive, and, in terms of capital and labor, coal cost the Nation more this year than last, for in the long run both capital and labor require a living wage.

The public must accept responsibility for the coal industry and pay for carrying it on the year round. Mine operators and mine workers, of whatever mines are necessary to meet the needs of the country, must be paid for a year's work. The shorter the working year the less coal is mined per man and per dollar invested in plant, and eventually the higher priced must be the coal. It is obvious that the 236 tons of coal mined by the average British miner last year could not be as cheap per ton as the 943 tons mined by the average American mine worker, backed up as he was with more efficient plant. (A proud contrast!)

It would clearly appear that the coal business may be stabilized, not wholly but in a very large measure, in some of the western fields, if the public does not regard its supply of coal as it does its supply of domestic water, which requires only that the faucet shall be opened to bring forth a gushing supply. Coal does not have pressure behind it which forces it out of the mine and into the coal yard. It rather must be drawn out by the suction of demand. And herein the public must play its part by keeping that demand as steady and uniform as possible.

You also say:

For one, I do not believe that 10 per cent of the miners of America have their hearts in this enterprise and do not know that it and similar ones can succeed only at the expense of free government and all that makes this country fit for a free man to live in.

What assault is made on free government when underpaid workmen use the only means they have to secure a proper wage? This is a free country, and in our free country can the miners be denied the right of seeking a better standard of life and work, to seek it through negotiations with their employers, the mine owners, and upon flat refusal of the operators, as a last resort, to quit work?

A great conference was held at Washington March 12, 1917, before the war, in which the official representatives of the workers in all industry met and unanimously declared:

The present war discloses the struggle between the institutions of democracy and those of autocracy. As a Nation we should profit from the experiences of other nations. Democracy can not be established by patches upon an autocratic system. The foundations of civilized intercourse between individuals must be organized upon principles of democracy and scientific principles of human welfare. Then, a national structure can be perfected in harmony with humanitarian idealism—a structure that will stand the tests of the necessities of peace or war.

We, the officers of the National and International Trade-Unions of America, in national conference assembled in the Capital of the Nation, hereby pledge ourselves, in peace or in war, in stress or in storm, to stand unreservedly by the standards of liberty and the safety and preservation of the institutions and ideals of our Republic.

In this solemn hour of our Nation's life it is our earnest hope that our Republic may be safeguarded in its unswerving desire for peace; that our people may be spared the horrors and the burdens of war; that they may have the opportunity to cultivate and develop the arts of peace, human brotherhood, and a higher civilization.

But, despite all our endeavors and hopes, should our country be drawn into the maelstrom of the European conflict, we, with these ideals of liberty and justice herein declared as the indispensable basis for national policies, offer our services to our country in every field of activity, to defend, safeguard, and preserve the Republic of the United States of America against its enemies, whomsoever they may be, and we call upon our fellow workers and fellow citizens in the holy name of labor, justice, freedom, and humanity to devotedly and patriotically give like service.

That declaration was unanimously indorsed at the following convention of the American Federation of Labor, November, 1917.

And, better than all, American labor made good its pledge. You also know the result of that declaration. During the war it was necessary for representatives of the American Federation of Labor to go to the allied countries of Europe to put new life into the hearts of the people who had been most sorely tried by the horrors of the conflict. They went there at the request of the governments and of the organized workers of the allied countries. And the first declaration to the workers of Europe that there should be "no peace without victory" was made by representatives of the American Federation of Labor.

At an international conference of the interallied labor movements held in London, September, 1918, in which delegates from the American Federation of Labor participated, it was declared that the war must be waged until victory of the allied and associated countries should have been secured. This was a direct reversal of the previous declaration of the same body, held in February, 1918, at which no representatives from the American labor movement were present.

Great credit was extended to the labor men of America. They were extolled in beautiful language. The workers of America are the same to-day that they were in those trying times. They still are loyal American citizens, who will give up their lives to keep our country free. But many of those who gave every credit to the workers while the war was on now denounce every move made by labor.

What is the reason for this? Is it because those who control the industries and finances desire to establish involuntary servitude in order to pile up greater fortunes? Men must be free to make a country great. Free men can work or refuse to work for any reason or no reason. Slaves must work. To say to the working people that they must work and for whatever wages and conditions the employers benevolently condescend to give establishes involuntary servitude. It makes slaves of the workers. But now they are told that while they have the right to organize to better their economic condition they have no right to strike to gain these desirable ends. They must work whether they want to or not. Where is the justice in this?

Again you state:

And if others shall dare to take their places in the coal mines that coal may be dug and be distributed, war is to be waged upon them and upon their wives and children.

I do not understand upon what you base this statement. Is there any evidence to that effect? Have women and children been attacked or has anyone who sought work in the mines met with such a war as you suggest? While nearly half a million men were on strike there was no more trouble than during times when all the miners are at work.

Do you know, sir, that the miners in declaring and conducting this strike directed approximately 70,000 of their members to remain at work as engineers and assistants to protect the mines from being flooded and to perform the service of guarding the property of the mine owners?

If more evidence is needed that the strike was a peaceable one, permit me to refer you to an editorial in the New York World, a newspaper that can not be accused of overfriendliness to labor. It is headed "Labor with clean hands," and is as follows:

As the bituminous-coal strike passes with the steel strike into industrial history one outstanding fact should be fixed in memory.

In these two fields of labor more than three-quarters of a million of workingmen abandoned their occupations to enforce demands for higher wages, improved conditions, or recognition of their unions. We have heard a great deal of the extreme radicalism of large numbers of both elements. It has been said that steel workers and miners were seething with bolshevism. The first named were represented as intent not so much upon collective bargaining as the wildest schemes of expropriating property and establishing soviet government. As for the miners, it has been charged in the United States Senate that they were in conspiracy with Mexicans on the border line of treason.

Yet in the long list of American industrial disputes not one great strike can be mentioned in which there was so little disorder. With hundreds of thousands of men idle, in many cases in want, the victims of injustice, as they believed, and most of the time seeing no hope of relief, there has been hardly a disturbance of the peace anywhere. Whether wisely led in other respects or not, labor resumes work with clean hands.

There is nothing more reassuring in the present situation than the record thus made. Let all alarmists, therefore, who see in existing unrest only dreadful symptoms of violence and pillage under Russian inspiration recall the bloodshed and terror of railroad, steel, and coal strikes in former days, when Lenin and Trotski were unknown.

The above editorial is typical of many which have appeared in the American newspapers.

You surprise me when you say:

Had your proposed amendment to the Lever bill been incorporated into it, and thus made a part of it, the power and the duty of the administration to meet and overcome this emergency would not have been at all affected by it.

That amendment provided that the proposed food-control act would not repeal sections 6 and 20 of the Clayton Act, which permits the normal activities of labor. You declare that if it had been made a part of the law it would have been the duty of

the President to ignore it and proceed as has been done to prosecute the miners for striking. I hope I have misconstrued your statement, for it is hard to believe that a lawmaker, a Member of the highest branch of Congress, would advocate the breaking of any law, while at the same time he was unjustly denouncing the miners for breaking a law not in existence.

Furthermore, you assert that the sovereignty of the Government had been assailed by the strike when "law and order had been disregarded." Where has the law been disregarded? What law is there to forbid miners to ask their employers for a better living wage? Merely asking for and striking when refused an increase in wages is not an attack on the sovereignty of the Government. Such a conclusion is not only unjust and unwarrated, but you yourself must know it.

You ask:

What is the right of a strike? If it means the right of men to quit private employment individually or collectively, everyone will concede it. No man can be made to work against his will in free America except he becomes a vagrant or convict.

Very true. That is what labor contends. Then why are the miners pilloried as enemies of government, Why are they declared disloyal because they struck. You add:

But the right to quit work essentially involves the corresponding right to continue at work, and one is just as sacred as the other.

Certainly. That right is possessed by the workers. Free men can work or quit work for any reason or no reason. No one can control their labor except themselves, for it is not a commodity. It is a part of their very being. Therefore the "right" to work or not to work is inherent in the workers themselves. But the idea seeems to be arbitrarily to take away this natural right by acting as if the labor of a human being is a commodity or an article of commerce.

In the attitude of labor in peace and in war in March, 1917, previously referred to, this was incorporated:

We maintain that it is the fundamental step in preparedness for the Nation to set its own house in order and to establish at home justice in relations between men. Previous wars, for whatever purpose waged, developed new opportunities for exploiting wage earners. Not only was there failure to recognize the necessity for protecting rights of workers that they might give that whole-hearted service to the country that can come only when every citizen enjoys rights, freedom, and opportunity, but under guise of national necessity labor was stripped of its means of defense against enemies at home and was robbed of the advantages, the protections, the guaranties of justice that had been achieved after ages of struggle. For these reasons workers have felt that no matter what the result of war, as wage earners they generally lost.

Does it not appear now that the autocratic methods used during the war and accepted by the workers as a means to win the conflict are now to be continued in the interest of the employers? It is not fair. It is not right. Can such a policy be defended by honest men?

You state that "civilization is not a creation but an evolution."

More than 2,500 years ago the workers had their trade-unions. They were called collegias, and when permitted by law their activities were confined to sick and burial benefits. Wherever these collegias existed the enlightenment of the people was the greatest, for their ethics were adopted by the people as a whole. Members of these collegias 500 years before the Christian era declared, among other things, for the principle of one wife.

Since trade-unions were first formed they have sought the economic advancement of humanity. They were the pioneers in America in demanding compulsory education. Their efforts brought safety, sanitary, and health legislation. Their every aspiration has been to bring happiness into the home. In order to make plain the position of the American Federation of Labor to the whole people, a few extracts from the proceedings of conventions will not be out of place.

In 1887 it was declared:

The opportunities of the American Federation of Labor are that it may become a grand and powerful organization, fulfilling its great mission to bring the working people into the various organizations of the trades, to assist in the amelioration of their conditions, to raise mankind to a higher level, aspiring to a nobler civilization.

In 1888 this declaration was made:

The benefit the American Federation of Labor has been in the period of its existence to the toiling masses of our country is more, probably, than will be told before generations to come. There is scarcely a division of thought upon the question that the workers, being the producers of all the wealth of the world, should at least enjoy more of the results of their toil. On every hand we see fortunes amassing, elegant mansions and immense business houses rearing; we see the intricate machinery in its rotary motions, the genius of man, all applied to the production of the wealth of the world; and yet in the face of this thousands of our poor, helpless brothers and sisters, strong, able-bodied, willing to work, unable to find it, hungry and emaciated, without sufficient to properly nourish the body or to maintain the mental balance. On the other hand, others bent by their long-continued drudgery and unrequited toil. While these wrongs have been upon the body politic from ages gone by, we can yet trace the improvements in the condition of the people by reason of our various organizations. Wherever the working people have manifested their desire for improvement by organization there, as with a magic wand, improvement has taken place. Wherever the working people are the poorest, most degraded, and miserable, there can we find the greatest lack of organization; and in the same degree as the basis of organization is improved, there can we see the greatest improvement in the material, moral, and social condition of the people.

In 1902 the convention declared:

This session of the American Federation of Labor marks an episode in the progress of enlightenment unparalleled in the world's history. We meet in solid phalanx, regardless of creed, regardless of dogma; with national pride but without international prejudice. The world is our field of action, and man is our brother. We not only proclaim, under the unsullied and untarnished banner of trade-unionism, but live the principles of liberty, equality, fraternity, and justice. Ours is an affiliation of men of like interests and of kindred spirit. It is the natural growth of a sentiment for unity that binds and seals the compact for harmony, fidelity, and fellowship. Our cause demands that there is no worker so deep down in the abyss of misery and despair that we dare refuse to extend a helping hand in his uplifting; that there is no high pinnacles of grandeur to which the toiling masses should not aspire to attain. The trade-unions are of, by, and for the wage-workers primarily, but there is no effort which we in our movement can make but what will have its beneficent, salutary influence upon all our people. The misery of the past, the struggles of the present, and the duty for the future, demand that no effort be left untried, that all energy be exercised and opportunity taken advantage of to organize the toilers of our country upon the broad platform of the trade-union, in full affiliation with the American Federation of Labor. The dim, dismal past, with all its pain and travail, must give way to the better and brighter future for which the workers have borne the burdens and made the sacrifices that the people of our time, and for all time, may be truly free.

In 1906 it was said:

Who can estimate or even dream of the benefits that have accrued to the working people through the efforts of the trade-union movement as embodied in the American Federation of Labor? What has it brought in the way of better homes, better food, a less number of children of our members in the factory, mill, or shop? A wider, better, more enjoyable, and comfortable life. Who will or can measure the work of the trade-union, either in the world of industry, in our social surroundings, or in moral growth? To have seen a part of this work and accomplishments should nerve us to still greater efforts in the future.

In 1910 it was declared:

Organized labor contends for the improvements of the standard of life, to uproot ignorance and foster education, to instill character and manhood and independent spirit among our people, to bring about a recognition of the interdependence of the modern life of man and his fellow man. It aims to establish a normal workday, take the children from the factory and the workshop and place them in the school, the home, and the playground. In a word, the unions of labor, recognizing the duty of toil, strive to educate their members, to make their homes more cheerful in every way, to contribute an earnest effort toward making life the better worth living, to avail their members of their rights as citizens, and to bear the duties and responsibilities and perform the obligations they owe to our country and our fellow men. Labor contends that in every effort to achieve its praiseworthy ends all honorable and lawful means are not only commendable but should receive the sympathetic support of every right-thinking, progressive man.

But the assertion made by you that "violence can destroy but can not promote civilization" can best be answered by referring to a few of the incidents of violence that have benefited and encouraged civilization. Did not the Crusaders encourage Christianity? Did not the French Revolution advance civilization by leaps and bounds? Did not the Civil War free the slaves in the United States? This was violence in the extreme.

In labor strikes there sometimes is violence. But it is not premeditated nor committed with the consent of the trade-unions. There is always more or less violence between individuals, whether strikes are in progress or there is industrial peace.

Did not the Great War decide that men and governments should be free to work out their own destiny in a lawful way? Did not its outcome make for civilization? While we still feel its effects and the people have not been restored to their normal state of civilization, they will be advanced many years at a jump because of it.

Man is combative, and yet you must know that there is no factor in all our country so potent to decrease or prevent violence as the much misunderstood and misrepresented organized-labor movement of America. A greater crowd will follow a prize fighter through the streets than will gather to see a public official or man of great learning. Individual passions will find vent no matter whether there are strikes or industrial peace. Men who have led restrained lives can not realize the effect of red blood in healthy, energetic workingmen. Some men would rather fight than eat. When war comes the pacifists are not found among their numbers. It was to the credit of the United States that in the Great War the young men of our country were fighters. Take the right to fight for what is good away from our people and we will become a Nation of pacifists. Look at China, a nation of pacifists. There are no strikes in China. Wages are very low, as they are fixed to suit the employer. The worker has nothing to say about them.

Labor men find that in most cases those who oppose the activities of the trade-unions do not appreciate that the worker is just as anxious for a better economic life as any other citizen who may or may not have to work.

Only those who have worked in the mines know the hardships endured by the miners. I would venture to say that if each Senator of the United States would become a miner for a year he would not only come out strongly in favor of their strikes, but would place the blame for the walkout where it belonged—on the coal operators.

I have tried to answer all your suggestions. This has caused me to write a much longer letter than I had intended. But I hope that some of the thoughts I have expressed may give you a different view of the situation, and be the means of acquainting the uninformed of the fact that the miners are in the right and could under the circumstances do nothing else than strike. That was their only recourse.

Part of this letter was written within a few days after the receipt of your communication, but, owing to the many problems which had to receive my immediate attention, composition of this letter was unavoidably delayed. May I ask that you will have this reply made a part of the CONGRESSIONAL RECORD, and oblige,

Very respectfully, SAML. GOMPERS,
President American Federation of Labor.

Hon. CHARLES S. THOMAS,
United States Senate, Washington, D. C.

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WASHINGTON, D. C., *January 3, 1920.*

MY DEAR SIR: Your letter of the 20th ultimo was received after the adjournment of Congress, hence I shall be unable to insert it in the RECORD in compliance with your request before the 5th instant. I do not know that any reply is expected. I feel constrained to make one only because it might otherwise be fairly said that I acquiesced by my silence in both your facts and conclusions. Some of them are very pertinent, and for both our sakes I wish that all of them were.

I am, of course, familiar with the statements of Secretaries Baker and Daniels, which, broadly speaking, are correct. But their failure to note many delays and interruptions in the course of production, with which they were personally and painfully familiar, condones without removing them; a conclusion to which the Shipping Board, the Aircraft Construction Board, the ordnance and munitions plants, etc., will readily agree. They know from experience that Mr. O'Connell's advice to "strike for dollars," to "get in their minds the beautiful doctrine of more," to "place officers in position to go out and demand, and then back them up" was literally and continuously observed by many wage earners in many sections and at many critical moments in the conflict. It is these I have criticized, and not the great body of wage earners and producers as you have mistakenly assumed. And it is these whom the Secretary of War did not except from his generous eulogism, although, in my opinion, he should have done so.

The statistics regarding strikes and strikers during the war were furnished me by an experienced and reliable authority upon whose accuracy I readily relied. His figures tally with your statement of the aggregate number for the years 1917 and 1918, through the greater part of which period the war extended. Hence your own figures concede a strike list which for war time, and in view of your official pledge of cooperation, was ominously large. The shortness of one-half the strikes indicates how the public needs compelled acceptance of demands made at crises when time was precious and inexorable.

By quoting you approve Secretary Daniels's Labor Day eulogism. So do I in the main, for I note that he properly includes all forms of labor within its terms—the farmer, the unionist, and the nonunionist. And he deprecates "the desertion of the I. W. W. leaders and certain other slackers," even as I have done. Need I reiterate that it is with these I have been concerned, that your services to your country during the war were beyond value, and that the body of the people, wage earners included, in the mass was sound?

I do not imagine that we occupy much common ground regarding the recent coal strike. Therefore, to reply seriatim to your several quotations from my letter concerning it and your comments thereon would not prove profitable. I shall dismiss most of them with the reminder that my comments assume—and I think correctly—that the movement was properly characterized by the President and by the Department of Justice. You think differently, otherwise you would not have given it the sanction of your official indorsement after Mr. Wilson had declared it "illegal and immoral," and after it had been forbidden by the courts. If I misstated its declared purpose, I am sorry. But if I comprehend the English language, and the statements of its spokesmen are authentic, the end and aim of the strike was the nationalization of the mines. The public judge the end and aim of the steel strike not by the formula of "higher wages and improved conditions," but by the contemporaneous utterances of Mr. Foster and Mr. Fitzpatrick, repeated freely and frequently by the striking workmen. Intelligent and farsighted men like yourself, Warren Stone, and others know that increased wages chase increased cost of living, but never overtake it, and that nothing but increasing production and thrift ever can, while strikes of national magnitude affecting basic industries immeasurably aggravate the end it is ostensibly designed to cure. I do not question that the coal miners make just complaint of many inequalities, operating unjustly upon some of them, but the increase in pay and decrease in hours demanded were general. If obtained, these inequalities would have persisted without alteration and doubtless have become the basis of more extreme demands, equally barren of beneficial results. Operators and employees seem unable to perceive that their interests and well-being are mutual; that class consciousness, which is but another name for class animosity, should not bar the way to the goal of a give-and-take agreement based upon conditions which they understand better than anybody else. All the arguments in the world can not overcome my statement, that the strike, and for that matter all strikes of nation-wide character, involve a contention that the strikers must have their way regardless of consequences to the rest of the people. The reasons for such action may be largely compelling, but until it can be established that the right to strike is supreme, inviolate, beyond the control of the law, dominating all other rights, subject to exercise, whatever the social, moral, physical, economic, and political consequences to the rest of the community, and to their rights in their respective spheres of life, it will not be accepted by public opinion or by the mass of the people. If it is to become the rule of conduct in the United States of America, we must extend it to consumers, to mine and railway owners, to every organization of men and women, and then it will be worthless except as an agency of chaos and civic dissolution.

I make no issue with your recitals on pages 13 and 14 of your letter, but add to them the reminder that practically everybody aided in prosecuting the war to a successful conclusion. Farmers, merchants, manufacturers, lawyers, physicians, engineers, ministers, clerks, toilers, both union and nonunion, whites, blacks, Jews, gentiles, the native born and the naturalized became a unit for America. Here and there disloyalty sounded a discordant note, not for any class but among the members of all classes. They did their duty to their country in time of war; would that they might similarly cooperate and perform an equally imperative duty in times of peace.

You take vigorous exception to my assertion that if others should take the places of strikers in the coal mines, and so forth, war would be waged upon them and their wives and their children, and ask if I have any evidence of this. Evidence? Every man of common sense knows that such is the status of every prolonged strike of serious dimensions. You say this was a peaceable strike, that some 70,000 members were directed to remain as engineers and assistants to protect the mines from flooding and injury. How many of them would have remained at such work had outsiders entered the mines in place of the striking workmen? How many men did take such places before receiving assurance of protection by the strong arm of the Government? There was less disorder in the recent coal strike than in any other of similar dimensions. But there was less effort save in Kansas, West Virginia, and possibly one or two other sections to resume operations. Another month of its continuance and—what would have happened?

You sometimes and very properly refer to the strike as a weapon. Why? Because it is just that. It is a double-edged weapon. It must smite the employer and him who intervenes. If it spares either, it is ineffective. The man who wields it knows this. So does the employer, and the "scab" knows it better than either. I am not now criticizing; I am stating a fact. Your weapon is good for nothing if you do not wield it. Henry George, himself a trade-unionist, said that labor associations rest upon force, which they must exercise in some form whenever they try to raise the wage scale. This is and must be the basic element behind the strike. You give your unqualified approval to my contention that the right to quit work involves the corresponding right to continue at work, one being as sacred as the other. It is too fundamental for academic qualification. But how is it in practice? Let the industrial history of the world during the last 50 years make reply. The principle has been a beautiful abstraction. The right exists; it is active in spots; it will pass with the final establishment of the closed shop. Leaders like Mr. Foster have decided views regarding the status of the nonunion worker, and they reflect quite accurately the prevailing method of dealing with him in times of industrial disturbance. Recently in Chicago a property owner was fined

by the painters' union for painting his own porch, and slugged because he would not pay it. The incident may be sporadic. I hope it is; but it illustrates the necessary attitude of organization toward those outside the pale. It is neither better nor worse than the treatment frequently accorded the little business man by the big combination. Both practices are wrong; neither should be tolerated.

My statement that had your proposed amendment to the Lever bill been accepted it would not have affected the power and duty of the administration to overcome the coal emergency was no advocacy either of "the breaking any law," nor the unjust—or other—denouncing the miners for "breaking a law not in existence." I advocate the breaking of no law. Neither do I announce in advance of proposed legislation that I will disregard it if enacted. I believe with Gen. Grant that the best way to be rid of a bad law is to enforce it, and it would, of course, be most unjust to accuse one of disregarding a law which did not exist.

My contention was and is that since the exemptions of the Clayton Act are confined to certain organizations "lawfully carrying out the legitimate objects thereof" and since the strike has been declared unlawful by the highest authorities in the land, your amendment could not have been broader than the exemptions it recognized. I am sorry that I did not express myself more clearly. Of course, I know that you combat my view of the nature of the strike, and your assumption, if well taken, sustains your conclusion. But it is upon that point that the difference occurs. I do not quarrel with the self-laudatory utterances of the federation which you quote so copiously. It has always commanded my respect and support in its effort to advance the well-being of its members through peaceful and legitimate channels, and it always will. Our differences arise from conditions and policies which you deem legitimate and defensible and which I do not. We can not expect to convince each other to the contrary, but we can, I trust, always recognize the distinction between what we criticize and what we commend.

My assertion that violence can destroy but can not promote civilization will not yield to occasional historical instances to the contrary. There are exceptions, of course, but they either prove the rule, in which event they sustain it, or they prove too much, in which event they make civilization the offspring of violence. The crusaders no more encouraged Christianity than Mohammedanism. Religious wars have been many. Religious massacres have not been unusual. Inquisitions have flourished apace in the past, and religious persecution has not altogether disappeared. None of these, in my judgment, ever promoted civilization. The French Revolution is a notable exception to the general rule. The enlightened opinion of the world would long ago have stricken the shackles from the slave had the Civil War never occurred. The World War just ended was the greatest crime ever committed against civilization. It is the best, as it is the latest, illustration of the ghastly folly of shedding human blood for human advancement. Civilization was saved, but, in my judgment, has been brutalized by the horrible tragedy. You are too well informed, too humane, and too mindful of the need for peace to even indirectly advocate violence as a promoter of civilization. Your assurance that violence in labor strikes is not premeditated nor done with the consent of trade-unions proves this, although it does not absolve the latter from moral responsibility for the inevitable consequence of a policy which inexorably leads to it.

I concede that organized labor is a potent factor for the decrease or prevention of violence. It is because of this that public opinion is reluctant to accept its assurances of irresponsibility when violence occurs, and especially when it is fomented by certain organizations with whom direct action is a creed.

The worker, like every other American, is not only "anxious for" but is entitled "to a better economic life." It is not a new ambition. On the contrary, it is distinctly American. It has always been obtainable by everyone through the uplifting agencies of American law and American opportunity. I have never mined for a year or any other length of time, but that is not necessary to my past experiences. I have followed the plow and wielded the hoe through many a long and wearisome day. I know something of manual labor, of its severity not only, but of its dignity as well. I have had many a hard struggle with adversity in my day, and I can say with truth that advancement has come by dint of hard work, earnest effort, observance of law, and respect for the rights of all others. What the world needs is tolerance, sympathy, cooperation, and mutual understanding between all the sons of men, whatever their pursuits or coordinations. Each and all of us are linked with and dependent upon every other. Hence we must progress together if we progress at all. Force, violence, antagonisms, suspicions, recriminations may satisfy our immediate resentments, but they get us nowhere. And I fear they never will.

The contrast you draw between China and the United States is a strong one, but you might have drawn it with equal success between the same nations 50 years ago. The different conditions are no more attributable to trade-unions here and their absence there than those between the United States and Mexico, in both of which countries they exist. Fundamental racial inequalities will persist through social, economic, and political conditions, a fact graphically illustrated by many episodes of the past few years. They may be mitigated, but not by force or the menace of it.

Very respectfully,

C. S. THOMAS.

Hon. SAMUEL GOMPERS,
President American Federation of Labor.

TREATY OF PEACE WITH GERMANY.

Mr. BRANDEGEE. Mr. President, I present a letter from the acting president of Trinity College, Hartford, Conn., accompanied by a petition praying for the ratification of the treaty of peace with reservations. I ask that it may be printed in the RECORD.

There being no objection, the letter and petition were ordered to be printed in the RECORD, as follows:

TRINITY COLLEGE,
Hartford, Conn., December 18, 1919.

The Hon. FRANK B. BRANDEGEE,
United States Senate, Washington, D. C.

DEAR SIR: I have the honor to transmit to you the inclosed petition for a speedy ratification of the treaty of peace, including the league of nations covenant, with a minimum of reservations.

I beg to call your attention to the fact that it bears the signatures of every member of the teaching staff of Trinity College, with the exception of one, who is also in favor of the peace treaty and a league of nations but desires the league in a different form.

Yours, very respectfully,

HENRY A. PERKINS,
Acting President.

—

HARTFORD, CONN., *December 17, 1919.*

We, the undersigned members of the faculty of Trinity College, are convinced of the supreme importance of the ratification of the treaty of peace as soon as possible, with a minimum of interpretative reservations, and we most strongly urge the Senators from Connecticut to do their best to promote such action, and we will support them in favoring a resolution ratifying the treaty of peace, including the league of nations covenant, in terms that shall not be offensive to other signatories of the treaty.

Arthur Adams, Frank Cole Babbitt, H. M. Dadourian, Harold S. Palmer, Horace C. Swan, Robert E. Bacon, Charles E. Rogers, Charles A. Fischer, Wills M. Upton, Frederic W. Carpenter, Robert B. Riggs, Edward C. Stone, Odell Shepard, Stanley L. Galpin, Henry A. Perkins, J. J. McCookes, Le Roy C. Barret, G. A. Keene, Albert H. Yost.

I certify that the names signed to this petition are those of the entire teaching staff of Trinity College, with the exception of one.

FRANK COLE BABBITT,
Secretary of the Faculty.

Mr. BRANDEGEE. Mr. President, I present an article on Public Opinion by Mr. Frank I. Cobb, printed in yesterday's New York World, and I ask that it may be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

OPINION STILL HAMPERED BY RESTRICTIONS IMPOSED BY WAR AND PLAGUED BY FLOOD OF DUBIOUS PRIVATE PROPAGANDA—SAYS NEWSPAPERS MUST FIGHT RISING TIDE OF PRUSSIANISM TO REGAIN FREEDOM OF THOUGHT—MOBILIZED AS WERE THE MEN AND MATERIAL REQUIRED FOR EFFECTIVE WARFARE—THE CENSOR, IN "PLAYING" SAFE, WAS APT TO SUPPRESS MORE THAN WAS NECESSARY TO KEEP VITAL INFORMATION FROM THE ENEMY—CONTROL OF PUBLIC OPINION ALSO ENABLED THE GOVERNMENT TO SPREAD USEFUL AND PROPER PROPAGANDA.

The following address on the subject of the Press and Public Opinion was delivered by Frank I. Cobb, editor of the World, before the Women's City Club of New York on December 11, 1919. The address aroused so much interest and so many requests that it be published have been received that the World prints it in full:

"For five years there has been no free play of public opinion in the world.

"Confronted by the inexorable necessities of war, Governments conscripted public opinion as they conscripted men and money and materials.

"Having conscripted it, they dealt with it as they dealt with other raw recruits. They mobilized it. They put it in charge of drill sergeants. They goose-stepped it. They taught it to stand at attention and salute.

"This governmental control over public opinion was exerted through two different channels—one the censorship and the other propaganda. The ostensible function of the censorship was to keep the enemy from obtaining useful military information. Its ultimate function was to suppress all information that Government wished to suppress for any reason whatsoever. There is a popular notion, born of cynicism and suspicion, that the legitimate objects of the censorship were deliberately prostituted to the business of concealing military and administrative blunders. I am inclined to doubt it. There are instances in which it was so employed, but on the whole the censor usually followed the ordinary military routine, suppressing everything that might give aid to the enemy and then suppressing everything else for which his superior officers might criticize him for not suppressing. The censor's motto was 'safety first,' which meant safety for the censor. In consequence, the censorship was usually stupid and generally ineffective. Figaro once maliciously remarked that the French censorship had managed to keep the movements of the French troops a secret from everybody except the Germans. That was true, in the main, of all censorships.

"As the war progressed the censorship became less and less a factor, and propaganda increased in importance. Modern warfare is not a conflict between armies, but between nations, and what is going on back of the lines may be far more important than what is going on at the front. Governments relied on propaganda to equip and sustain their armies, to raise money, to furnish food and munitions, and to perform all those services without which armies would be vain and helpless. The organized manipulation of public opinion was as inevitable a development of modern warfare as airplanes, tanks, and barbed-wire entanglements.

TWO KINDS OF PROPAGNDA.

"There were two kinds of propaganda, one that represented the appeal to reason and the other that represented the appeal to any emotions that could be directed toward the winning of the war. The classical examples of the first kind of propaganda are the British White Book, which contained the diplomatic correspondence that preceded the war, and the State papers of President Wilson defining the aims and objects of the war in terms of human liberty.

"The effect of this kind of propaganda can not be overestimated. Without it the war could not have been won.

"The other kind of propaganda resembled in a general way the activities of the cheer leaders at a football game. It was noisy and demonstrative and emotional and spectacular, and as such it often served a highly useful purpose. Sometimes it was frankly mendacious, for mendacity plays no insignificant rôle in the drama of war. When Government lies it does not lie sneakingly and furtively, but proudly and ostentatiously.

"When the armistice was signed and demobilization began, public opinion was demobilized, too. It was turned loose to shift for itself, and naturally it felt a little awkward in civilian clothes. It had been trained to think only in terms of war and had almost forgotten how to think in terms of peace. Moreover, it was like the emancipated slaves of the South after the Civil War. Its shackles were struck off, but it did not quite know what to do with its freedom. It was in the habit of being told what to think and what to feel, and when it was left to its own resources it was bewildered. At this point private propaganda stepped in to take up the work that Government had abandoned, and when we deal with public opinion to-day we are dealing largely with private propaganda.

GOVERNMENT LIED GLIBLY.

"Government suppressed the truth; Government distorted the truth; Government lied glibly and magnificently when occasion seemed to require; but, after all, governmental propaganda was at least directed toward war ends, and those ends were the protection of the country and its institutions against its armed and embattled enemies.

"When we come to the question of private propaganda we are on wholly different ground. Private propaganda is not one of the by-products of war, but it has taken on new phases since the war. It established itself long before the war and was a development of the press agent, who from being merely a theatrical attachment had extended himself to Wall Street, to big business, and to most of the institutions that have to deal with public opinion. Shortly before the war the newspapers of New York took a census of the press agents who were regularly employed and regularly accredited and found that there were about 1,200 of them.

"How many there are now I do not pretend to know, but what I do know is that many of the direct channels to news have been closed, and the information for the public is first filtered through publicity agents.

"The great corporations have them, the banks have them, the railroads have them, all the organizations of business and of social and political activity have them, and they are the media through which news comes. Even statesmen have them.

"These publicity agents, on the whole, are a very able body of men, and in some respects they perform a highly valuable service, but at the same time they are essentially attorneys for their employers. Their function is not to proclaim the truth, the whole truth, and nothing but the truth, but to present the particular state of facts that will be of the greatest benefit to their clients—in short, to manipulate the news.

BASIC TRUTH HIDDEN.

"A great deal of the confusion of public opinion to-day is the direct product of that system.

"Take, for example, a great industrial disturbance, like the coal strike. What are the essential merits of it? Do you know? If you do, you are very fortunate. I don't, although I have spared no effort to get at the facts, many of which lie further underground than the coal itself.

"The reason none of us can get at the basic truth is very simple. The coal operators meet in secret, and through their publicity agent they give out a statement of their side of the case. The leaders of the miners meet in secret, and they give out a statement of their side of the case. Either statement by itself is plausible and believable. The two of them, taken together, are wholly irreconcilable and simply add to the sum total of human ignorance.

"And thus it goes. The more of that kind of publicity we have the less we know, the less certain we can be of anything. But while this is a pernicious propaganda it is by no means the most dangerous form that is now manifesting itself.

"After the Thirty Years' War bands of marauding soldiers wandered around Europe terrorizing the inhabitants of every town and village to which they could gain access, and something of that sort is going on now in the United States. Bands of propagandists are wandering around terrorizing public opinion and trying to frighten it into submission to theories of government that are strange to American institutions.

"Some of these marauders represent radicalism and some reaction, but there is a striking similarity in their methods. Radicalism appeals to violence against reaction, and reaction appeals to violence against radicalism. One menaces with threats of the torch and the bomb and the other with threats of the rope and the rifle. Both profess to be champions of human freedom. Radicalism pretends to be engaged in restoring human liberty to its primitive simplicity, and reaction, wrapped in the Stars and Stripes, is ready to have everybody else die for the Constitution as it thinks the Constitution ought to be interpreted.

POST-WAR MENTAL REACTIONS.

"A war that has shaken the very foundations of human society is bound to produce some extraordinary mental reactions. A war that has wrecked vast empires, overthrown dynasties, and brought about sweeping revolutions is not likely to leave society just as it was before. Yet large numbers of excellent people think that mankind should have picked up its work where it left off when it went into the trenches and go on as if nothing at all had happened. Others are convinced that because war has resulted in revolution in certain countries there ought to be revolution everywhere—the more the better.

"What the United States needs more than anything else to-day is the restoration of the free play of public opinion. That requires, first, the reestablishment of the freedom of discussion, for without freedom of discussion there is no public opinion that deserves the name.

"Will Hays, the chairman of the Republican national committee, made a speech recently in New York, in which he proudly proclaimed that 'there is in this country a religious faith which believes in the divine origin of the Constitution of the United States.' When I first read Mr. Hays's words I was staggered by this new incarnation of Hohenzollernism. Then I saw that he had probably hit upon a serious and lamentable truth. A most energetic propaganda is engaged in converting the Constitution of the United States into a cult, into a religion, and its champions are eager to burn all dissenters and heretics at the stake.

"The Constitution of the United States is one of the great achievements of all history, but criticism of it is not blasphemy, and a man is not necessarily damned who thinks that in the light of 130 years' experience a better framework of government might be constructed.

TWO ORIGINS OF REVOLUTION.

"The men who drafted the Constitution certainly did not consider it a piece of divine inspiration. They knew how it was made. Nor had they any superstitious reverence for government as an institution. They regarded it rather as a necessary evil. Nor were they altogether certain, from the meager data of a limited experience, as to the ability of the people to rule themselves. That is why they established a government of checks and balances which could not function too freely. To this day the Government they created operates with great difficulty under even favorable conditions, and whenever the President and Congress happen to belong to different parties government is deadlocked and must wait for another election. But what the fathers did clearly understand was human liberty, at least in so far as the white man was concerned, and there they took nothing for granted.

"It is not the powers that they conferred upon the Government, but the powers that they prohibited to the Government, which make the Constitution a charter of liberty. The Bill of Rights is a born rebel. It reeks of sedition. In every clause it shakes its fist in the face of constituted authority and thunders 'Thou shalt not,' and because its ultimatum is 'Thou shalt not' it is the one guaranty of human freedom to the American people unless they themselves destroy their safeguard.

"We are in danger of forgetting this under the terrorism of mass thought, but we can forget it only at our imminent peril. There is revolution in reaction as well as in radicalism, and Toryism speaking a jargon of law and order may often be a graver menace to liberty than radicalism bellowing the empty phrases of the soap-box demagogue.

SOUNDS LIKE SEDITION.

"Writing from Paris to Abigail Adams, Thomas Jefferson said that—

"The spirit of resistance to government is so valuable on certain occasions that I wish it always to be kept alive. It will often be exercised when wrong, but better so than not to be exercised at all.

"If the author of the Declaration of Independence were to utter such a sentiment to-day, the Post Office Department could exclude him from the mail, grand juries could indict him for sedition and criminal syndicalism, legislative committees could seize his private papers and search them for evidence of Bolshevism, and United States Senators would be clamoring for his deportation on the ground that he had been tainted with the ribald doctrines of the French Revolution and should be sent back to live with the rest of the terrorists.

"Thus the political philosophy of one generation becomes the political anathema of another.

"Now, I am not much disposed to agree with Jefferson's dictum on the moral duty of resistance to government unless it is abundantly qualified. Nevertheless all the liberties that we hold to-day have come from resistance to government, and most of them were won by blood and iron. Thanks to the men who were willing to challenge authority and die for liberty, we, their political heirs, have been armed with newer and better weapons.

"To Abraham Lincoln the issue of the Civil War was very simple. It was that 'among free men there can be no successful appeal from the ballot to the bullet.' There we are on solid ground. With universal suffrage that is a foundation which can never be shaken, and we can build on it in complete confidence. Under free institutions whatever can be taken to the ballot box has the inalienable right to make its appeal to the ballot box. Whatever denies the final authority of the ballot box is a challenge to the Republic, and that alone is a challenge.

"This standard of judgment can be applied to all the unrest and discontent to which the country is now subjected. In so far as discontent appeals directly to violence there is an abundance of law to meet it if public officials, municipal, State, and Federal, will discharge the commonplace duties of their offices. In so far as it appeals to public opinion and the ordinary processes of representative government we need not be disturbed for the safety of the Republic unless we lack faith in popular institutions and believe that at heart the American people are destitute of sense and sanity and incapable of self-rule.

"The policy of repression that has been generally adopted by governors, mayors, and police officials—in some cases by Federal authority—to meet this propaganda of radicalism is fatal. Two thousand years of history bear witness to its folly. Nobody ever succeeded in bettering the weather by putting the thermometer in jail, and nobody will ever remove the causes of unrest and discontent by trying to suppress their manifestations.

BEST TEST OF TRUTH.

"Justice Holmes of the United States Supreme Court recently said in a dissenting opinion in a sedition case that 'the best test of the truth is the power of the thought to get itself accepted in the competition of the market.' That will always remain the best test of truth, and we can not afford to tamper with it, however strong the immediate provocation may be, nor can we afford to suppress that competition.

"In a speech delivered in Carnegie Hall last week a very eminent New York lawyer, Mr. Henry W. Taft, complained that the Department of Justice was shifting to the States the duty of prosecuting radicals, and asked: 'But is not the protection of American people against revolutionary propaganda peculiarly within the function of the Federal Government?' The protection of the people against crime and violence and the destruction of property is an elementary function of government. But government protecting the American people against revolutionary propaganda is a new manifestation of paternal authority. I wonder what old Sam Adams would say to that? Or Patrick Henry? Or Benjmin Franklin, with his grim joke about hanging together or hanging separately? Or Thomas Jefferson? Or George Washington? Or all the rest of that noble congregation of rebels who to their defiance of George III pledged their lives and their fortunes and their sacred honor?

"This theory that it is the duty of government to protect the people from propaganda is Prussianism. It was the gospel of His Imperial Majesty the German Kaiser. Protecting people from revolutionary propaganda was one of his most sacred functions. Now there is no Imperial Majesty and no German Kaiser, and no majestaets-beleidigung and no divine right. Autocratic Russia saw the doctrine in its fullest flower, and it was eventually followed by the most horrible, by the most ghastly, by the most degrading revolution known to human history. Significantly enough, no sooner was this new tyranny established than Lenin and Trotski proceeded in their turn to 'protect the people from revolutionary propaganda' by suppressing all but the Bolshevist newspapers.

REVOLUTION BY USURPATION.

"Either the people are fit to govern or they are not. If they are fit to govern it is no function of government to protect them from any kind of propaganda. They will protect themselves. That capacity for self-protection is the very essence of self-government. Without it popular institutions are inconceivable, and the moment that a republican form of government sets itself up as the nursemaid of the people, to train their immature minds to suit its own purposes and to guard them from all influences that it considers contaminating, we already have a revolution and a revolution backward, a revolution by usurpation.

"How is there to be any public opinion at all if government is to be the final arbiter of political theories and economic doctrines?

"When government undertakes to regulate opinions, the burden of proof must always rest upon it. If history teaches any lesson whatever, its lesson is that the most dangerous and futile of all methods of combating erroneous political and economic beliefs is for government to set itself up as a judge and executioner.

NO NEW EXPERIENCE.

"But, it will be said, the doctrines that government is called upon to suppress are of foreign origin; they are advocated in large part by an alien population; they are antagonistic to the principles of the Republic, and we can not afford to have the American people adopt them. Quite true. But what of it? This is not the first time that there has been nation-wide unrest and discontent. It is not the first time that wild and lunatic remedies have been prescribed for public ills. It is not the first time that foreign revolutionary theories have invaded the United States. It is not the first time that property rights have been attacked in their very citadel.

"American conservatives were once quite as terrified by the spread in this country of the extreme theories of the French Revolution as they are now terrified by the spread of Bolshevism. They were quite as eager for repression; yet the French Revolution never shattered a single American institution. It raised up no American breed of Marats and Robespierres. It set up no guillotines on American soil and beheaded no aristocrats. The American people thrashed the issue out and went on their way.

"Is it not possible that they still retain a scanty remnant of their ancient common sense? Is it not possible that they might even listen to a sympathetic exposition of the maniacal principles of Bolshevism without being seized with an irrepressible desire to destroy everything they have created and give themselves over to famine and disease and anarchy in order to establish a dictatorship of the proletariat?

BOLSHEVISM IN THE OPEN.

"I am not afraid of Bolshevism in the open, where the American people can examine it and weigh it and consider it. I am not afraid that the American people are going to rise up en masse and join the I. W. W. to destroy the institution of their own private property unless government prevents them by force. It is just as well to remember that the preamble of the Constitution of the United States does not begin 'We the Government of the United States,' but 'We the people of the United States.' The history of this country for more than 140 years proves that the American people can be trusted, and in the long run they can be trusted a great deal further than the professional politicians that they generally select to represent them in their government.

"The failures of popular government have always been failures of public opinion—mostly of public opinion that was ill-informed, of public opinion that was denied the facts, of public opinion that was misguided by self-constituted masters. That will always remain a great menace, and public opinion is never to be safeguarded by trying to prevent it by law from coming into contact with political heresy. There is no surer way to give those doctrines a foothold than to proscribe them. It is not the revolutionary doctrine which is shouted from the market place that is to be feared, but the revolutionary doctrine that is whispered everywhere in the ear of discontent and that can claim in its favor the test of martyrdom.

MILITANT PATRIOTISM.

"There is no other such prolific breeder of revolution as reaction, and reaction is now engaged in capitalizing the militant patriotism that the war aroused. It is denying freedom of speech, denying freedom of assemblage—denying the most sacred guaranties of the Constitution that it professes to guard and defend.

"When the French soldiers began to return home after four years in the trenches, thousands of them declared that they would never again do any work. It sometimes seems that after the armistice was signed, millions of Americans must have taken a vow that they would never again do any thinking for themselves. They were willing to die for their country, but not willing to think for it, and under the influence of propaganda they had lost the habit of independent thought.

"It is here that we squarely confront the question of the responsibility of newspapers in respect to the formation of an enlightened and fully responsible public opinion.

NEWSPAPERS AND THE WAR.

"Of the work of the American newspapers in the war the most chronic faultfinder can not justly complain. They printed all the news that government would permit them to print. They almost bankrupted themselves to obtain it. They were the first victims of the censorship and the daily prey of the propagandists. They never hesitated in rendering any service of which they were capable, and they never counted the cost. On the whole, they displayed a sense of responsibility that in itself is the highest decoration for distinguished service.

"When we come to the newspaper in relation to the events of the last year, it is a very different story and a less satisfactory story. Newspapers are very human institutions, and when the fighting ceased they reacted in much the way the general public reacted. The notion was general that, with hostilities ended, prewar conditions would naturally be restored, and the newspapers followed the common notion.

"That was a great mistake. They were not prepared for the waves of discontent and unrest that spread over the country. They were not prepared for the social ferment that followed the war. They were not prepared for the industrial upheavals that came. For the most part they had settled down to the comfortable assumption that with Germany beaten, with the Kaiser exiled, with the war won, everything was going to be for the best in the best possible of worlds, and that is not the way it turned out at all.

THE BASIC CAUSE.

"When strike followed strike, when industrial disturbances became nation-wide, when labor and capital instantly began a hand-to-hand fight over a new division of the profits and the spoils, when the labor leaders discovered that there was a tight labor market and began to squeeze the employer, just as the banks squeeze the borrower when there is a tight money market, a vast number of perfectly good and respectable people were much disturbed in their souls, and the newspapers reflected this disturbance. Instead of trying to get at the basic cause of it all, they adopted the primitive medicine-man procedure of hunting out the devil upon whom the responsibility could be laid.

"Four hundred thousand steel workers had gone out because the leader of the strike had once been a syndicalist. All the shipping in New York was tied up because I. W. W. agitators had taken possession of 80,000 longshoremen. Four hundred thousand miners quit in defiance of Federal law because two factions in the union were battling for control. And so it went. Nothing in this complicated world is ever quite so simple as that.

"The first duty of a newspaper to public opinion is to furnish the raw materials for it and the tools for its formation. American newspapers are not doing this in respect to this new economic situation, as many newspaper men keenly realize without quite knowing how to remedy it. The war has left a new set of problems and the newspapers have not yet met them. They are not driving to the heart of things. They are still skimming the surface, and it is only now and then that a reporter gets under the skin of these great events.

DUTY OF THE PRESS TO-DAY.

"This, in a way, helps to account for the more or less chaotic state of public opinion in this country, and it is doubly unfortunate, because the American people have no passion for profound study of public questions until these questions reach the stage of a crisis. Day by day they like to get their news from headlines and to rely for their judgments on what somebody tells them.

"The gravest duty that confronts the American press to-day is to bring these vast questions that have come out of the war into the forum of public discussion. The barrier of propaganda must be broken down. The competent, independent investigating reporter must come back to his own. This is vital. The American people can not deal intelligently with any of these problems without knowing the facts, and they can not know the facts until the newspapers brush aside the propagandists of contending factions and get back to first principles of news gathering. All this is fundamental.

"It is impossible of fulfillment, nevertheless, unless the newspapers set themselves squarely against this rising Prussianism which is seeking to make a fetich out of government and endow it with the power of damnation over all dissenting political and economic beliefs. If the guaranties of the Bill of Rights are to be overriden in the name of superpatriotism, the newspapers themselves will be the ultimate victims of the new dispensation that is called to suppress freedom of speech and of the press, and we shall have no public opinion at all except that which cringes under the lash of officeholders. If Government is to be erected into a god, who of us can be sure of salvation?

SECURITY OF THE MINORITY.

"Lord Acton made the security of the minority the basis of freedom and that will always be the basis, however offensive the minority's views may be and however mischievous the principles that it advocates may appear. De Tocqueville framed essentially the same definition in still more striking form when he voiced his warning against the tyranny of the majority. The inherent sovereignty of the citizen over government was pictured by it in words that for a century and a half have been part of the political heritage of the English-speaking peoples.

"The poorest man in his cottage may bid defiance to all the force of the Crown. It may be frail; its roof may shake; the wind may blow through it; the storms may enter, the rain may enter—but the King of England can not enter; all his forces dare not cross the threshold of the ruined tenement.

"Free government must forever be the resultant of all the forces that are brought to bear upon it, radical and reactionary, liberal and conservative, revolutionary and Bourbon, socialistic and individualistic, and whenever any of those forces is compelled to resort to secrecy the equilibrium is destroyed and the way is open to disaster.

"What I have said to-night is not a plea for the new radicalism, for to me most of this new radicalism is the very negation of political and economic sanity. What I am pleading for is the restoration of the traditions of the Republic, for the restoration of the proved safeguards of human liberty, for the restoration of the free play of public opinion, without which democracy is stifled and can not exist; for the restoration of the old faith of the fathers which has never yet failed the Nation in a crisis—the faith that they themselves sealed in their own blood.

"God forbid that our supreme achievement in this war should be the Prussianizing of ourselves!"

Mr. LODGE. Mr. President, I ask to have printed in the RECORD an article from the Paris Temps. Portions of it have been printed, but I have procured the complete article and translated it. It is a very interesting article, being a careful examination of every one of the reservations by that leading paper of France, which speaks with great authority. It analyzes every one of the different reservations and finds no objection to any one of them.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Le Temps, Paris, Dec. 6, 1919.]

THE STORY OF THE AMERICAN RESERVATIONS.

"Why have the Allies been obliged to send to Germany the injunction that the supreme council drafted yesterday? It is, in the first place, because the treaty of Versailles has not yet been ratified by the United States.

"The German military men and diplomats believe that the line of the Allies has been broken. This it is which emboldens them, and we have been forced to bring them back to reason.

"Why do we not know how we can make the league of nations function and how we can put into operation the treaty of guaranty which is to protect France against German aggression? How are we to obtain for Europe the financial help of America? Why do we not know, in a word, how we can repair the injuries of the war nor how we shall maintain the stipulations of the peace? It is, in the first place, because we do not know whether the United States will ratify the treaty of Versailles. American intervention has powerfully contributed to victory. Will not the American abstention compromise the fruits of that victory?

"There is the danger. Now, let us seek the underlying cause. Why has not the treaty of Versailles been ratified by the United States?

"The answer is made that it is on account of the reservations which the American Senate has adopted. But who in Paris has read these reservations?

"We publish to-day a complete translation of them. Do they, as it is said, destroy the bases of the treaty? Rather than accept them, would it be better to go without the American ratification? Everybody with the text in hand can reach an opinion. In the meantime let us express ours.

"The 14 reservations and interpretations of the American Senate are preceded by a preamble which directly interests the allied powers. The American ratification will not become effective, the Senate declares, unless three of the principal allied powers—England, France, Italy, and Japan—accept by an exchange of notes the 'reservations and interpretations' voted at Washington. This declaration of the Senate presents a question of form and also a question of substance. Can the Allies accept in this form the reservations and interpretations formulated by the United States? We do not see what prevents their doing so. Yesterday the supreme council authorized the Jugo-Slav delegation to formulate a reservation in acceding to the arrangements which are annexed to the treaty of St. Germain. There is, therefore, a precedent. And if the precedent did not exist it would be one of the cases in which we may say that it would be necessary to invent one. There is no man of good sense who will not admit that we can not hesitate upon a question of form as to accepting the ratification of the United States.

"But there is also a question of substance. Have the reservations and the interpretations of the American Senate been conceived in such a manner that the Allies can accept them? That is what remains to be examined.

"In the first article of the treaty of Versailles—which is also the first article of the pact or covenant establishing the league of nations—it is stipulated that 'any member of the league may, after two years' notice of its intention so to do, withdraw from the league, provided that all its international obligations and all its obligations under this covenant shall have been fulfilled at the time of its withdrawal.' The American Senate interprets this text in the following terms: 'The United States shall be the sole judge as to whether all its international obligations and all its obligations under the said covenant have been fulfilled.' This interpretation is not contrary to the treaty. Moreover, it may be asked what force exists which could retain the United States in the league of nations if after two years' notice they consider that they have the absolute right to withdraw?

"Article 10 of the treaty obliges the signatories, as members of the society of nations, 'to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league.' In addition, other articles of the treaty in certain cases may necessitate armed intervention. The American Senate declares that there can be no such intervention 'unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide.' This is the evidence: Article 1 of the American Constitution reserves exclusively to Congress the power of declaring war as well as the power of raising and supporting armies and of providing and maintaining a navy. No treaty, no pact, can constrain the United States to use their armed forces without the preliminary approbation of the Congress.

"It is because of an analogous idea that the Senate, in its eleventh reservation, asserts for the United States the right of determining whether it is proper or not to interrupt commercial relations and others with a country which has entered upon war outside the control of the league of nations. If the United States did not reserve to themselves this power of determination, they might be drawn into the war without Congress having had the opportunity to pass upon it.

"The third, the seventh, and the ninth reservations call for no discussion on our part. They consist in prescribing that the President of the United States must consult Congress before accepting a mandate in foreign territory, before engaging in expenses for the league of nations, and before sending delegates in the commissions, committees, and other organizations where the United States is to be represented.

"The fourth and fifth reservations are more important. The United States maintain that they alone have the right to decide 'what questions are within its domestic jurisdiction,' and so forth, and in this way withdraw themselves from all intervention by the league of nations or any foreign power. They declare themselves resolved to be the sole interpreters of their 'long-established policy, commonly known as the Monroe doctrine.' But who is there among the allied powers who would wish to seek a controversy with the United States upon this point? Certainly it is not France, and France is well resolved, for her own part, to decide alone what the questions are which relate solely to her domestic jurisdiction.

"Is it necessary to make objections to the eighth reservation, which provides that the restrictions upon the commerce of the United States with Germany, upon the demand of the reparation commission, shall not be effective unless they have been sanctioned by the American Congress?

"Must we refuse to the Americans the right proclaimed by the tenth reservation, to augment their armaments without the consent of the council of the league 'whenever the United States is threatened with invasion or engaged in war'?

"The eighth article of the covenant is drawn in such a way that no member of the league of nations is forced to limit its armaments in the degree suggested by the council. If a State, nevertheless, accepts this limitation, which is not obligatory, is it to be forbidden to increase its armament when it feels itself to be imperiled?

"In its fourteenth reservation the American Senate declares that the United States will not consider itself bound by decisions of the league of nations when one of the States belonging to the league shall have cast several votes, due to the votes of the dominions of the other countries which are politically bound to it. France can not protest against this suggestion, because it has not wished to ask that Algeria and the French protectorates should be represented in the league of nations by delegates whose votes would be added to its own.

"There remains finally—outside of the twelfth and thirteenth reservations, which do not appear to raise any difficulty—the famous reservation No. 6, which relates to Shantung. The form is radical, and if China had signed the peace of Versailles it would have been necessary to admit that the Far Eastern part of the treaty had been overthrown. This reservation declares that 'the United States withholds its assent to articles 156, 157, and 158, and reserves full liberty of action with respect to any controversy which may arise under said articles between the Republic of China and the Empire of Japan.' But this article applies to Chinese territory, and China has not signed. Practically, judicially even, this is all still in suspense. The American declaration changes nothing in the existing situation. The rights of each party remain intact. Japan remains in possession of the object of litigation. The American reservation overturns nothing, as nothing is yet constructed, and is it for this that we shall refuse the ratification of the United States, that ratification upon which depends perhaps the entire peace?

"It has been asserted that the reservations of the American Senate were a disavowal of the work accomplished by the conference at Paris. It has been asserted that the United States in this way signify their will and intention of not concerning themselves further either with Europe or the peace. The time has come to oppose the truth to this mischievous misrepresentation.

"Even if the reservations required that in two or three places the league of nations be changed—and it can be amended regularly in virtue of article 26—the reservations of the United States contain nothing which would warrant the Allies in rejecting an American ratification offered under these conditions. The reservations contain, on the other hand, certain very wise interpretations which we have an interest in sanctioning. Let French opinion, when informed, express itself boldly."

Mr. LODGE. Mr. President, I also ask to have printed in the RECORD a dispatch containing an extract from articles in the London Times approving the acceptance of any reservations that America chooses to adopt.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

RATIFY TREATY ON ANY TERMS, EUROPE URGES UNITED STATES—LONDON TIMES SAYS RESERVATIONS, IF DEEMED NECESSARY, WOULD BE WELCOMED TO STABILIZE WORLD.

LONDON, *December 30.*

The Times says editorially that it is of the highest importance to the civilized world that the United States should sign immediately the treaty with Germany, and expresses the opinion that the British people, and also the French, would welcome America's ratification on any reasonable terms. The Times says:

"The Allies want America to ratify the treaty for many reasons of the highest moment. They want her to ratify now; they want her ratification to have the American people behind it. They would greatly prefer that she should ratify the treaty as her President and her other representatives helped to mold it and as President Wilson signed it.

"They think that ratification as it stands would do most for the immediate pacification of a troubled world, for the economic welfare of mankind, for the development and stability of public law, for the adjustment by legal means of international differences, for the prevention of future wars, for the spread of civilization, for the security of society in all lands, and generally for the gradual progress toward fulfillment of the just and generous ideals for which America came and fought by the side of her sister democracies.

"That is their belief. They believe also that such ratification is in the true and abiding interest of America herself.

"But if America does not now share this belief, they recognize without reserve that the right of decision must be hers. If she thinks that reservations are necessary for her safety and freedom, that they are demanded by the provisions of her Constitution or by the traditions of her foreign policy, they will welcome ratification by her on any reasonable terms.

"We are confident that this is the view of the British people and we feel almost as certain that it is the view of the French."

Mr. LODGE. I also ask to have printed in the RECORD an article from the Morning Post, another of the great newspapers of London, taking a different view, which is that the United States is quite right in rejecting the whole league and that England ought to do the same.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

HALF A LEAGUE OF NATIONS.

"We have raised a still, small voice against the covenant in this country and upon several grounds. The first is that it creates a dual allegiance, which we take to be dangerous to the British Empire. Hitherto every State within the Empire has looked to His Majesty's Government as the supreme authority and the only protection; the covenant creates a new authority and a new guardian to which States within the Empire might appeal against the authority of His Majesty's Government. That is objection No. 1. Objection No. 2 is that it reduces and undermines the sovereignty of our now independent State. Hitherto the British nation has been a sovereign nation with all a sovereign nation's powers; the proposal is to transfer some of these powers—vital powers—to a superior government upon which the British nation will be in a permanent minority. Our third objection is that it leads the nation to rely upon an outside power for security, whereas all history shows that a nation survives in a free State only by its own power to defend itself. The covenant we have compared to a rotten parapet on a bridge, which is more dangerous than a bridge with no parapet at all. And our fourth objection was that under any such scheme the preponderance of power in the league would fall into the hands of the Central Powers—that is to say, of Germany—which by its position commands more influence than we upon the circumference of the European circle are likely to possess. That objection, we admit, might be weakened if the United States were a party to the covenant, because the United States might be expected to balance Germany. It is correspondingly strengthened if the United States stands out of the covenant.

"And that is what the United States appears to be going to do. The Senate, in the barbarous but expressive phrase of President Wilson, has 'cut the heart out of the covenant.' It has added a series of reservations, the result of which is to leave America without any obligation either to support or to obey or even to remain within the league of nations. Now, for our part, we can not but admire the Senate for the stand that it has taken. It has, in fact, taken its stand upon the independence of the United States as a sovereign nation, and its power to look after its own affairs and its own defense. It has also recognized the law of growth and decay in history, and has refused to commit itself to the portentous obligation of maintaining the world as it happens to stand in this present year of grace. The United States, if the Senate carries its point, will 'assume no obligation to preserve the territorial integrity or political independence of any other country or to interfere with controvesies between other nations, whether members of the league of nations or not, or employ military or naval forces under any article of the treaty for any purpose,' unless by act or resolution of Congress. That is to say, as far as the United States is concerned, the league of nations might as well not exist. Besides this cardinal reservation there are others—the United States reserves the right to increase armaments, the right to decide what questions are its own affair, the sole right to interpret the Monroe doctrine, etc. In fact, there is hardly a shred or tatter of the original covenant left if these reservations are allowed. Now there is talk of compromise, and there is the presidential 'veto power'; that is to say, the President can refer a bill back within 10 days after its passage, and that bill does not become law unless it is supported by a two-thirds vote of both Houses. But the President can not force his covenant upon the Legislature, and the Legislature does not seem to be in the least inclined to give way. Unless the unexpected happens, the covenant will only pass as an eviscerated and derisory measure. The President, to be quite candid, is not in a position to deliver his own goods.

"Now, there was one argument which was always advanced by certain wiseacres in support of the league of nations. It was this: That by no other means could America be induced to enter into relations of alliance with France and England. We never thought much of that argument, but now that it is apparently to be exploded are we still to be forced into this covenant? Are we to join in a league in which the most powerful member refuses beforehand to accept the responsibilities which we shall have to accept? We notice that the league of nations press is already preparing the country for this incredible proposition. We are to accept all the obligations, and the United States is to accept none of them, yet the United States is to have an equal vote with ourselves. Surely it is obvious that no self-respecting nation can look at such an arrangement. We must all regret the illness of the President, but it is idle to disguise the fact that his enthusiasm for an impractical ideal has got the whole world into a terrible mess. We do not know what solution there may be, but we can only hope that the abortive covenant will be separated from the treaty and allowed to drop into a deserved oblivion."

BOLSHEVIST MOVEMENT IN RUSSIA (S. DOC. NO. 172).

Mr. LODGE. Mr. President, I ask to have printed as a Senate document a memorandum on Certain Aspects of the Bolshevist Movement in Russia. It has been printed by the State Department and given to the press to-day, and the department thinks it is very desirable to have it printed as a Senate document. I think so, too. It is very valuable.

The VICE PRESIDENT. Without objection, it is so ordered.

TREATY OF PEACE AND LEAGUE OF NATIONS.

Mr. KNOX. I ask to have printed in the RECORD a letter addressed to the London Times by Thomas E. Holland, a distinguished international lawyer of Oxford, England, offering certain suggestions for ratifying the treaty of peace with the league of nations.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

THE LEAGUE OF NATIONS.

OXFORD, *December 16.*

To the EDITOR OF THE TIMES.

SIR: The league is unquestionably "a brave design." Sympathy with its objects and some hope that they may be realized have induced myself, as doubtless many others, to abstain from criticizing the way in which the topic has been handled by the representatives of the victorious powers. Recent discussions seem, however, to render such reticence no longer desirable.

It begins to be recognized that, as some of us have all along held to be the case, a serious mistake was made by the Paris delegates when they combined in one and the same document provisions needed for putting an end to an existing state of war with other provisions aiming at the creation in the future of a new supernational society. Two matters so wholly incongruous in character should surely have been dealt with separately. Whether it is now too late to attempt a remedy for the consequences of this unfortunate combination is a question which can be answered only by the diplomatists whose business it is to be intimately in touch with the susceptibilities of the various nations concerned. In the meantime, however, on the assump-

tion that this state of things is productive of regrettable results, I may perhaps venture to indicate, recommending their adoption, the steps which appear to be required for the reformation of the treaty as drafted. My suggestions would run as follows:

(1) Subtract from the treaty of Versailles Parts I and XIII; the former constituting a league of nations, the latter, in pursuance of a recital that universal peace "can be established only if it is based upon social justice," wholly occupied with a sufficiently ambitious scheme for the regulation by the league of all questions relating to "labor" which may arise within its jurisdiction.

(2) Let Part I, with Part XIII annexed, constitute a new and independent treaty; to be, as such, submitted to the powers for further consideration. (The opportunity might be taken of ridding it of all references to a system of "mandates," which might very probably lead to jealousies and misunderstandings.)

(3) Parts II to XII, XIV, and XV would then constitute the real treaty of peace, in which it would, however, be necessary in the numerous articles attributing functions, for the most part of a temporary character, to the "league of nations," to substitute for any mention of the league words descriptive of some other authority, yet to be created, such as, for instance, "a commission to be constituted by the principal allied and associated powers."

I am, sir, your obedient servant.

T. E. HOLLAND.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed the following acts and joint resolutions:

On December 23, 1919:

S. J. Res. 137. Joint resolution authorizing the Secretary of War to construct a pontoon bridge across the Chattahoochee River at West Point, Ga., and for other purposes.

On December 24, 1919:

S. 3458. An act to make gold certificates of the United States payable to bearer on demand legal tender;

S. 822. An act for the relief of James W. Cross;

S. 1375. An act for the relief of Catherine Grace;

S. 2472. An act to amend the act approved December 23, 1913, known as the Federal reserve act; and

S. J. Res. 131. Joint resolution making immediately available the appropriation for the expenses of regulating further the entry of aliens into the United States.

On December 30, 1919:

S. 176. An act for the relief of John M. Francis;

S. 248. An act for the relief of Henry P. Grant, of Phillips County, Ark.;

S. 428. An act for the relief of Thomas Sevy;

S. 552. An act to reimburse W. B. Graham, late postmaster at Ely, Nev., for money expended for clerical assistance;

S. 728. An act for the relief of the Buffalo River Zinc Mining Co.;

S. 2128. An act for the relief of Albert N. Collins;

S. 2378. An act to authorize the issuance of patent to John Albert Thompson, and for other purposes; and

S. 2716. An act to relieve the estate of Thomas H. Hall, deceased, late postmaster at Panacea, Fla., and the bondsmen of said Thomas H. Hall, of the payment of money alleged to have been misappropriated by a clerk in said office.

On December 31, 1919:

S. 577. An act for the relief of the Southern States Lumber Co.;

S. 1670. An act for the relief of the Arundel Sand & Gravel Co.;

S. 1694. An act providing for the refund of taxes collected for stamp tax on certain policies under the emergency tax act of October 22, 1914, under the proviso to which act such policies were exempt; and

S. 3284. An act to provide for the national welfare by continuing the United States Sugar Equalization Board until December 31, 1920, and for other purposes.

HOUSE BILL REFERRED.

H. R. 11224. An act to amend the act entitled "An act to exclude and expel from the United States aliens who are members of the anarchistic and similar classes," approved October 16, 1918, was read twice by its title and referred to the Committee on Immigration.

THE CALENDAR.

The VICE PRESIDENT. Morning business is closed. The calendar under Rule VIII is in order. The first business on the calendar will be stated.

The resolution (S. Res. 76) defining a peace treaty which shall assure to the people of the United States the attainment of the ends for which they entered the war, and declaring the policy of our Government to meet fully obligations to ourselves and to the world, was announced as first in order.

Mr. ROBINSON. I ask that the resolution go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 529) for the relief of the heirs of Adam and Noah Brown was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 600) for the relief of the heirs of Mrs. Susan A. Nicholas was announced as next in order.

Mr. KING. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1223) for the relief of the owner of the steamer *Mayflower*, and for the relief of passengers on board said steamer, was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 174) for the relief of Emma H. Ridley was announced as next in order.

Mr. KING. Let that bill be passed over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1722) for the relief of Watson B. Dickerman, administrator of the estate of Charles Mackman, deceased, was announced as next in order.

Mr. KING. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1699) for the retirement of employees in the classified civil service, and for other purposes, was announced as next in order.

Mr. KING. Let that bill be passed over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 168) to create a commission to investigate and report to Congress a plan on the questions involved in the financing of house construction and home ownership and Federal aid therefor was announced as next in order.

Mr. KING. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2224) to incorporate the Recreation Association of America was announced as next in order.

Mr. KING. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1660) to provide a division of tuberculosis in, and an advisory council for, the United States Public Health Service, and for other purposes, was announced as next in order.

Mr. KING. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

CANAL ZONE REGULATIONS.

The bill (S. 1273) to prohibit intoxicating liquors and prostitution within the Canal Zone, and for other purposes, was announced as next in order.

Mr. SMOOT. Mr. President, the Senator from Washington [Mr. JONES] on several occasions has asked that this bill go over, stating that the same object sought to be attained by the passage of this bill has been attained by legislation already enacted by Congress. If the Senator from Washington were here I should ask that the bill be indefinitely postponed, but, in his absence, I will simply ask that it be placed on the calendar under Rule IX instead of under Rule VIII.

The VICE PRESIDENT. Without objection, that order will be made.

BUSINESS PASSED OVER.

The joint resolution (S. J. Res. 41) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 2457) to provide for a library information service in the Bureau of Education was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 131) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade, was announced as next in order.

Mr. KING. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1448) for the relief of Jacob Nice, was announced as next in order.

Mr. THOMAS. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 102) to equalize the pay and allowances of commissioned officers, warrant officers, and en-

listed men of the Coast Guard with those of the Navy, was announced as next in order.

Mr. KING. I ask that that joint resolution go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The resolution (S. Res. 172) for the selection of a special committee to investigate the administration of the office of the Alien Property Custodian, was announced as next in order.

Mr. WALSH of Montana. I ask that the resolution go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 2978) to establish additional fish-cultural subsidiary stations in the State of Michigan, was announced as next in order.

Mr. THOMAS. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

HEIGHT OF BUILDINGS IN THE DISTRICT OF COLUMBIA.

The bill (H. R. 6863) to regulate the height, area, and use of buildings in the District of Columbia and to create a zoning commission, and for other purposes, was announced as next in order.

Mr. THOMAS. I ask that the bill go over.

Mr. SMOOT. Mr. President, I understand the Senator from Colorado to ask that the bill go over.

Mr. THOMAS. I will withdraw the request temporarily.

Mr. SMOOT. On a number of occasions during the last few months I have asked that this bill go over, but I understand now that the Senator from New York [Mr. CALDER], who reported the bill, is willing to accept an amendment which I have prepared, and if the Senator from Colorado does not object I should like to offer the amendment to the bill at this time.

Mr. THOMAS. Reserving the right to object, I will give the Senator an opportunity to offer the amendment.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SMOOT. On page 3, following line 6, I propose to offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 3, line 6, after the words "hereinafter provided," it is proposed to insert a colon and the following words:

And provided further, That in residence districts the usual accessories of a residence located on the same lot, including the office of a physician, dentist, or other person, and including a private garage containing space for not more than four automobiles, shall not be prohibited.

Mr. CALDER. Mr. President, I hope there will be no objection to the consideration of this bill this morning. We have had it up on another occasion. It was considered for one morning, and its passage is very much desired by the commissioners. I think it will tend to preserve the city of Washington from the erection of objectionable buildings. The committee is perfectly willing to accept the amendment of the Senator from Utah, and I hope we may consider the bill this morning.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. SHERMAN. Mr. President, before passing to the next order of the calendar I wish to add to what the Senator from New York has said that there is an immediate emergency for legislation on this subject. There is now in course of construction in Washington a $1,600,000 apartment house that ought not to have been permitted to go to the height it is, but we would have been compelled in good conscience to provide an appropriation for damages if we had stopped it. I am satisfied that this apartment house will in some degree encroach upon the rights of the park on which it abuts. This bill contains some proper regulations for subjects of that kind. There is still further frontage on this same park that at any time, under existing laws, may be covered by another structure. There is nothing now, except moral pressure on the public buildings department of the District, to restrain similar cases, and I hope some immediate and prompt action will be taken on the bill.

Mr. SMOOT. Mr. President, I want to say that my objections to the bill in the past have been on the ground that it confers undue power upon a commission here to say just what class of buildings shall be built in any district created under the terms of the bill. I think myself that it ought to be modified more than I have modified it by the amendment which has just been adopted; but I know there is a necessity for some sort of legislation regulating the buildings that may be erected in the District in the future, and for that reason I am not going to object further to its passage in its present form. I do believe, however, that it is going altogether too far and that we could attain the same object that the advocates of the bill expect to attain by cutting from the bill a number of provisions granting what I, at least, consider undue authority.

I am not going to say anything more, however. If the Senate desires the bill passed, it can pass it.

Mr. THOMAS. Mr. President, I regard this bill as one which is aimed at or which was provoked by the construction of certain apartment buildings which are at present in an uncompleted condition. These buildings are very much needed because of the crowded and congested condition of the population in the District. They are being constructed under agreements which were based upon the purposes of the owners and which were preceded by bond issues, part security for which, of course, are the buildings when they are completed according to the plans.

I have always assumed that building conditions in the District were the subject of regulations which were adopted or enacted some time ago. There are no so-called skyscrapers in the District; and the fact, unless I have been greatly misinformed, is due to the existence of regulations, possibly of congressional statutes, upon the strength of which the buildings now under course of construction were begun, and, of course, upon plans prepared in accordance with existing conditions. If that is so, there may be no urgent reason for this legislation at this time; and if it is so, any legislation now enacted will be prospective in its operation.

But, Mr. President, my principal objection to the bill is that it creates another commission; it adds another to the multitudinous bureaus that are already infesting the District. While it is upon the face of it a somewhat harmless one, a little thing, it is nevertheless one which, like all others, will expand, and as its activities increase the office force supposed to be necessary to enforce its provisions will also increase and the expenditures will increase from the modest sum embraced in this bill to whatever subsequent Congresses may in their wisdom, or the lack of it, see fit to grant.

I know that a good many of these commissions are needed; but the whole drift of our governmental activity for the past 15 or 20 years has been to the creation of bureaus, commissions, and commissions. Scarcely a law is enacted but that it carries with it the creation of a bureau for the enforcement of its provisions. We are becoming, if indeed we are not, a bureaucracy. The time is rapidly approaching when it will be difficult for a man to kiss his wife except by act of Congress, and then perhaps only through the agency of a bureau or a board or something of that sort. Now, this is the new year. Let us at least try to stem the tide of this tendency to increase and multiply bureaus and commissions. I object to the consideration of the bill.

Mr. CALDER. Mr. President, will the Senator withhold his objection until I can make a statement on this matter?

Mr. THOMAS. I will.

Mr. CALDER. Mr. President, I introduced in the last Congress a bill which was the forerunner of this measure. I introduced it because some four years ago we adopted in the city of New York a regulation dealing with this very subject. We had discovered after years of experience that all sorts of buildings were being constructed in the finest residential sections of our city, objectionable buildings—garages, stables, factories. People often were getting permits for the purpose of holding up owners of valuable land, and we concluded there that we ought to have some such method of controlling the character of buildings to be constructed in that city. This law has been in operation now for a period of nearly five years. It has worked splendidly.

I have in mind a transaction in which I was interested myself. I had built a number of valuable houses on a residential street where there was no restriction in the deeds as to the character of the buildings. A man came along and applied for a permit to build a laundry, five stories high, at a cost of several hundred thousand dollars. He built this laundry, and it injured the value of the surrounding property to the extent of at least a quarter of a million dollars. I have in mind another instance in New York City, where an application was made for a permit to build a public garage in a residential section after the zoning law went into effect. It was denied, with the result that the value of the existing property was preserved.

The pending measure was developed as the result of my bill of last session. It was not presented to cover the one building now in course of construction on Sixteenth Street. It was introduced for the purpose of maintaining the beauty of the city of Washington, and I will say to the Senator from Colorado that no measure has been introduced in any session of the American Congress that will do more than this measure to help the future of Washington.

The Senator speaks of the fact that the bill creates an additional commission. It is true that there must be some governmental authority to pass upon this subject, and we have provided a commission which is composed entirely of present officials of the Government. The bill states that they shall be paid no additional salary. The clerks necessary will be provided from existing bureaus of the city government, and it will not cost the taxpayers anything. I am sure that if the Senator from Colorado will examine carefully into the merits of this measure he will be convinced that it is an excellent thing to do.

I might add that very recently a law has been passed in Missouri covering the construction of buildings in St. Louis, and within the last 30 days the same thing has been done for Baltimore; and it is under consideration in the city of Philadelphia. The thing has worked splendidly in New York, and efforts are being made throughout the country to make similar laws effective in the various communities, and I hope the Senator will permit the bill to be considered.

Mr. THOMAS. I object, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

ETHEL PROCTOR.

The bill (S. 2773) for the relief of Ethel Proctor was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

ADMISSION TO ARMY AND NAVY HOSPITALS.

The bill (S. 2207) admitting civilian employees of the United States Government stricken with tuberculosis to Army and Navy hospitals was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Health and National Quarantine with amendments, on line 5, after the word "admitted," to insert "so far as capacity may allow," and on line 6, after the word "Navy," to insert "or for the Public Health Service," so as to make the bill read:

Be it enacted, etc., That civilian employees of the United States Government stricken with tuberculosis while in the employment of said Government shall be admitted, so far as capacity may allow, to hospitals already established for the Army and Navy or for the Public Health Service on the same terms accorded those already entitled to admission.

The amendments were agreed to.

Mr. KING. Mr. President, I should like to ask the chairman of the Committee on Military Affairs whether this bill would interfere in any way with the hospitals that are now controlled by the military branch of the Government?

Mr. WADSWORTH. Mr. President, I can reply to the Senator from Utah only in a very sketchy way. The bill did not come from the Committee on Military Affairs. I have never given it examination. I assume that if there are not now, there soon will be some empty beds in the Army hospitals. Of course, it has been the purpose of the department and the hope of Congress that as the hospitals were emptied out, nearly all of them being of temporary construction, they would be disposed of and not maintained indefinitely for any other purpose.

I confess to not having examined this bill, as it did not come before the Military Affairs Committee.

Mr. WALSH of Montana. Mr. President, I trust the Senator from Utah will not object to the consideration of this bill. A most distressing case came to my notice a short time ago. A lady, who was the sole support of her mother and two children, obtained employment in the War Department when the call went out to the women of the country to come and take the places of men who had left to serve in the Army. While she was there she contracted tuberculosis and applied for admission to the Navy hospital. Under the rules and under the law they were obliged to deny admission to her. She picked up and went to Denver, Colo., where she is now. I have recently heard from her. The case just casually came to my notice. I am not interested in the lady in any way, but it occurred to me that she was almost if not quite as much entitled to admission to an Army or Navy hospital as though she were actually in the field when she contracted the disease. I trust that we shall not deny to the civilian employees of the Army and Navy admission to the Army and Navy hospitals.

Mr. WADSWORTH. May I ask the Senator from Montana a question relating to the bill? I have just examined it for the first time. It is true it is very short and simple. I notice that it permits the admission of civilian employees of the United States Government who have been stricken with tuberculosis into Army and Navy hospitals, so far as the capacity may allow, and also by an amendment into Public Health Service hospitals. As I recollect, the Public Health Service hospitals are essentially for civilians. It is true that at present they are largely filled with ex-soldiers; but they are civilians, nevertheless.

Mr. WALSH of Montana. My understanding is that most of the Public Health Service hospitals were originally erected for the care of seamen.

Mr. WADSWORTH. Yes; but under an amendment to the statutes a couple of years ago, or under war-time legislation, the Public Health Service is now charged, as I understand it, with the care of tuberculous patients who are discharged soldiers and discharged sailors. There must be additional capacity in those hospitals, and I am wondering if it would not meet the emergency which the Senator from Montana mentions if we confine this privilege to the Public Health Service hospitals and leave out the Army and Navy hospitals, which are for the treatment of military persons.

Mr. WALSH of Montana. I am not advised, of course, as to the capacity of the hospitals. My attention has not heretofore been called to this bill. I simply spoke of a case that came under my observation. But I desire to call attention to the fact that just as soon as one of these civilian employees is demonstrably tuberculous it becomes obviously the duty of the superintendent of the particular branch of the Government in which that person is employed to dismiss him or her from the service. The contamination would be disastrous as a matter of course. It is a most unfortunate situation, and if the disease were contracted in the service it does seem to me as though there were at least a moral obligation on the Government to take care of the patient.

Mr. WADSWORTH. Mr. President, I am in hearty sympathy with the contention of the Senator from Montana. I only had the thought in mind that from the administrative standpoint it is unwise to mingle civilian patients and military patients in an Army hospital, because an Army hospital has to be operated under military regulations, and certain disciplinary measures must always be enforced; and if there were room in the Public Health Service hospitals for the persons to whom the Senator from Montana refers, I think it would be wise to confine their admission to that kind of a hospital, which is essentially a civilian hospital.

Mr. WALSH of Montana. I am not able to give the Senator from New York any information on that point. I observe that the bill was reported by the Senator from Maryland [Mr. FRANCE], who doubtless will be able to give definite information on the subject.

Mr. FRANCE. I would say, if the Senator from New York will yield, that there is hardly a possibility of any civilian employees being placed in an Army or Navy hospital. In all probability such civilian employees would be placed in one of the Public Health Service hospitals.

Mr. WADSWORTH. That is where they ought to be placed.

Mr. FRANCE. But if there should be a vacant bed in an Army hospital or in an Army tuberculosis sanatorium, and there should be a civilian employee with tuberculosis, it seems to me that it would be very unwise to deprive that civilian employee of treatment simply because there happened to be no vacant bed in a Public Health Service hospital or sanatorium. In case of an emergency he could be placed in an Army or a Navy hospital, but in all probability that emergency would never arise.

Mr. WADSWORTH. I shall not object to the bill on that ground. I merely wanted to make the suggestion. I assume that the Senator from Maryland is correct.

Mr. FRANCE. I think it would be better to have the bill read in such a way that they would be admitted only to Public Health Service hospitals; and yet, in case of an emergency, it would seem to be justifiable to place even a civilian in an Army sanatorium for treatment for tuberculosis. I hope that there will be no objection to the passage of the bill.

Mr. WADSWORTH. I shall not object. I merely wanted to make that observation. I assume that the War Department and the Treasury Department will be sensible enough to keep civilians, so far as possible, in civilian hospitals.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill admitting civilian employees of the United States Government stricken with tuberculosis to Army and Navy and Public Health Service hospitals."

BILLS AND JOINT RESOLUTIONS PASSED OVER.

The bill (S. 2785) to provide aid from the United States for the several States in prevention and control of drug addiction and the care and treatment of drug addicts, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 76) for the investigation of influenza and allied diseases, in order to determine their cause and methods of prevention, was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The joint resolution (S. J. Res. 51) directing the Court of Claims to investigate claims for damages growing out of the riot of United States negro soldiers at Houston, Tex., was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 2672) to carry into effect the findings of the Court of Claims in favor of Elizabeth White, administratrix of the estate of Samuel N. White, deceased, was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

JOHN H. RHEINLANDER.

The bill (S. 1302) for the relief of John H. Rheinlander was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment in line 4 to strike out "$3,000" and insert "$1,200," so as to make the bill read:

Be it enacted, etc., That there be paid, out of any money in the Treasury not otherwise appropriated, the sum of $1,200 to John H. Rheinlander, of St. Louis, Mo., to compensate him in full for all claims he may have against the United States arising out of injuries received by him while in the Government employ in the Quartermaster Department, United States Army, at St. Louis, Mo., in February, 1883.

Mr. KING. Mr. President, I ask for the reading of the report.

The VICE PRESIDENT. The report will be read.

The Assistant Secretary read the report (No. 237) submitted by Mr. ROBINSON October 1, 1919, as follows:

The Committee on Claims, to whom was referred the bill (S. 1302) for the relief of John H. Rheinlander, having considered the same, report favorably thereon with an amendment, and as amended recommend that the bill do pass.

Your committee recommend the following amendment: In line 4, strike out the figures "$3,000" and insert in lieu thereof the figures "$1,200."

The facts in the case are fully set forth in House Report No. 1327, Sixty-second Congress, third session, which is appended hereto and made a part of this report.

[House Report No. 1327, Sixty-second Congress, third session.]

The Committee on Claims, to whom was referred the bill (H. R. 28049) for the relief of John H. Rheinlander, having considered the same, report thereon with a recommendation that it do pass with the following amendment:

In line 4 strike out the figures "$5,000" and insert in lieu thereof the figures "$1,200."

This is a claim for personal injuries. The claimant, John H. Rheinlander, was a former employee of the Government in the Quartermaster Department, United States Army, at the old St. Louis Arsenal, St. Louis, Mo., and on February 20, 1883, from the submitted affidavits, while taking a shipping order in the course of his employment from the office, he fell on the stone steps of the building, which were covered with snow and ice and in a dangerous condition, thereby sustaining injury which resulted in permanent lameness and other injuries to his knee and limb joints, necessitating several painful and expensive operations.

Mr. SMOOT. Mr. President, as I understand it, this claim is based upon an injury done to the claimant in 1883, and the claim is therefore 36 years old.

Mr. SPENCER. The injury was sustained in 1883. The claim has already been passed by the House at least once, if not twice. It is one of those claims which come to me by information. If the man had been injured by any private owner under the same circumstances, there would undoubtedly have been a liability in a much larger amount. The Government building was in a dangerous condition from snow and ice, and was left in that condition, and this man having been sent out upon his duties, slipped and fell. He was operated on many times, and is permanently crippled. It seemed to the committee that the claim was a perfectly fair one and that the Government ought, at least in some amount, limited by the amendment of the committee practically to a year's salary, to recognize the injury which he suffered without any fault of his own.

Mr. KING. I should like to ask the Senator a question. When was this claim for the first time presented to Congress?

Mr. SPENCER. My information is only general, but it is that it was presented soon after the injury occurred, and the injury occurred, as the Senator from Utah [Mr. SMOOT] well states, in 1883. The claim has been again and again before Congress. I do not know whether it has ever passed the Senate. I know that it has passed the House. It passed the House in the Sixty-second Congress the first time, which, of course, would be some 10 years ago.

Mr. SMOOT. I will say to the Senator that the report shows that it passed the House of Representatives in the Sixty-second Congress, third session, and that is the only time the claim has passed either the Senate or the House. There is nothing in the report to show when the claim was first presented to Congress. As stated by the Senator from Missouri the claim is quite a novelty, and, upon his statement, seems to be differentiated from other claims. These claims generally come to the Senate in this way: We have a host of claim agents here in the District of Columbia, and when they can not find through the press or Government publications some person who has a claim, directly or indirectly, against the United States, they take a summer vacation and go South, or go West, or to some other part of the country, and try to hunt up claims against the Government during their sojourn. Such claims are then brought here and presented to Congress. I doubt very much whether in one out of a hundred instances such as this, where the claim arises out of an occurrence 30 or 40 years before, the claimant himself ever thought he had a claim against the Government of the United States until some claim agent told him of it and offered to take the case and present it to Congress, and if he gets it through Congress, takes about 60 or 70 per cent of the amount received, the claimant receiving the balance. I do not say that this is such a claim.

Mr. SPENCER. Does the Senator from Utah indicate at all that any of that gruesome history is true of this case?

Mr. SMOOT. The Senator from Missouri did not hear what I said. I said that this may be differentiated from the general run of cases.

Mr. SPENCER. Then, so far as the Senator from Utah knows, what he states does not apply to this case?

Mr. SMOOT. As far as I know, Mr. President; but I would not say it did not until I had made an investigation.

Mr. WALSH of Montana. I wish to suggest to the Senator from Missouri [Mr. SPENCER] that he had better ask that the bill go over until he can secure some information that will enlighten the Senate as to why this claim has not received the consideration of the Senate before this time. If it comes up for consideration now I shall be obliged to vote against it. I do not see how I can vote to approve a claim for a personal injury suffered in the year 1883, barred, as a matter of course, by any statute of limitations that anybody ever thought of, unless some reason is advanced why it has thus long been deferred. The State of Missouri has been represented in all these years by able, industrious, and conscientious representatives in this body, and it does seem to me as though, if this claim is one that is entirely meritorious, they would have urged consideration of it long before this time. I would feel that no one could justify himself in voting in favor of a claim that is as old as this without some kind of information that is excusatory in character, explaining the long delay in the presentation of it.

Mr. SPENCER. Does it answer the Senator from Montana at all to say that, at least, in the Sixty-second Congress the bill was passed by the House, and is it not fair to say that with the usual expedition given to bills of this character it had been in the House long before then? I am not able to say to the Senator, but I shall be very glad to get the information if he wants to know when the bill was first presented to Congress, but I do know that it was presented many years ago, and that in the Sixty-second Congress it was passed by the House of Representatives.

Mr. WALSH of Montana. The Sixty-second Congress convened March 4, 1911, which would still make the claim almost barred.

Mr. SPENCER. Undoubtedly if it originated then there would still have been a long period of intermission between the accident and the introduction of the bill. I have no desire to press the bill. I will seek the information that the Senator desires. I ask that the bill may go over.

The VICE PRESIDENT. The bill will go over.

OWNERS OF STEAMER "TEXAS."

The bill (S. 1255) authorizing the Texas Co. to bring suit against the United States, was announced as next in order.

Mr. WALSH of Montana. I desire to inquire of the Senator from Texas [Mr. SHEPPARD] why we should legislate especially upon this particular subject. The United States has been operating a vast number of vessels of every character and description during the last two or three years, and I apprehend that collisions have been exceedingly numerous. It does seem to me that the matter ought to be taken care of by some general legislation.

Mr. SHEPPARD. The Navy Department is forbidden by law from considering claims amounting to over $500. This being a claim for more than that amount the only possible relief is through an act allowing the claimant to bring suit in a proper United States court in order to have the merits determined

there. I have before me several similar cases that have had similar treatment from the Senate, one of them being a bill that passed Congress in the Sixty-third Congress, second session.

I will say to the Senator from Montana that, in view of the facts I have mentioned, this has been made the subject of a special bill. All that Congress does is to permit a suit to be brought in a court of proper jurisdiction in order to determine whether there is a meritorious claim and whether the Government is responsible.

Mr. WALSH of Montana. I appreciate that, but that does not answer my question. The question is, Why should there not be some general legislation upon the subject so that we would not treat one claimant any differently from all claimants; that is, either refuse to give all claimants any redress, which would be entirely unjustifiable, or give them all the same redress?

Mr. SHEPPARD. I agree with the Senator.

Mr. WALSH of Montana. It is wrong to specially pick out one shipowner who suffered by reason of a collision and give him a right of action which we do not give to others.

Mr. SHEPPARD. We have given relief in this way to a number of those who have asked for it. This company appealed to the department at first for redress, and was told it could receive no consideration there under the law, and was referred to Congress, as other claimants have been referred to Congress.

I agree with the Senator from Montana that there ought to be general legislation. There is no general legislation, and the only method for relief is the method I have pursued. I have no particular interest in the matter.

Mr. WALSH of Montana. Would it not be quite appropriate to introduce a bill covering the whole subject rather than to reach it by special legislation?

Mr. SHEPPARD. I think the Senator's suggestion is an excellent one, but inasmuch as other bills have been passed allowing claimants to have their cases determined in court, I think it is fair to pass this bill, and then consider the advisability of some general legislation on the subject.

Mr. SMOOT. Mr. President, I was just wondering why W. A. Thompson, jr., vice president of the Texas Co., is making a claim against the United States, charging the Government at the rate of $2,116 a day for demurrage for loss of time for the steamer while under repairs. Three hundred and sixty-five days, at $2,116 a day, make $771,340. I take it for granted the Senator from Texas would not claim that this one steamer would have earned clear $771,340 per year.

Mr. SHEPPARD. I think the Senator is correct, and I do not think the court would sustain a claim of that kind. This is merely a statement of the claim as filed by the claimant. The whole matter is to be passed on under judicial procedure. The passage of the bill does not mean a recognition of the merit of the claim in any sense whatever.

Mr. SMOOT. The Senator is right in that, but what I had in mind was that, on the face of it, it is unreasonable and unjust when a claimant comes to Congress and asks to be allowed a claim in the form that it is to be referred to the United States courts to be decided whether the Government should pay it or not. He ought to come with clean hands. I do not believe that Mr. Thompson thinks for a moment that the one steamer that was damaged by the Government of the United States would earn a net profit of $771,340 in a year, which is the basis for the claim that they ask Congress to pass on to the courts of the United States.

Mr. SHEPPARD. I will say to the Senator that I am told that some of the vessels belonging to the United States Shipping Board have earned that much on one or two trips.

Mr. SMOOT. I think, then, that instead of trying to find out the profiteer who sells a pound of bacon a day or 2 pounds of sugar to a customer once a week, the Attorney General had better look after the profiteers along the line of the shipping interests.

Mr. SHEPPARD. The Senator will understand that I do not attempt to justify the claim in any respect whatever.

Mr. SMOOT. I recognize that, and perhaps I should not take the time of the Senate, but I do know that the claim upon its face is an unjust one. I can not say what the court would finally decide, but if I were in the company's place I would have made a fair claim and, as I said, come before the Congress of the United States with clean hands. Then, when I went before the court, if the Congress was willing to allow me that privilege, I would have undertaken to prove to the court that the statement I made to Congress upon which action was asked was a just and fair and reasonable claim.

Mr. SHEPPARD. I believe we can rely on the courts to do full justice in the matter.

The PRESIDING OFFICER (Mr. LENROOT in the chair). The bill is in Committee of the Whole and open to amendment.

Mr. WALSH of Montana. Mr. President, I move that the bill be referred to the Committee on the Judiciary, with instructions to inquire into the advisability of reporting a general bill upon the subject.

Mr. SHEPPARD. I have no objection whatever to that course and trust the motion will be agreed to.

The motion was agreed to.

CANADIAN CAR & FOUNDRY CO. (LTD.).

The bill (S. 413) for the relief of the Canadian Car & Foundry Co. (Ltd.) was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the agency of Canadian Car & Foundry Co. (Ltd.), the sum of $192,278.83, as a refund of import duties paid on certain materials to be manufactured in the United States for shipment abroad, but which were destroyed by fire.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COAL LANDS IN ALASKA.

The bill (S. 2189) to provide for agricultural entries on coal lands in Alaska was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That from and after the passage of this act homestead claims may be initiated by actual settlers for public lands of the United States in Alaska known to contain workable coal, oil, or gas deposits, or that may be valuable for the coal, oil, or gas contained therein, and which are not otherwise reserved or withdrawn, whenever such claim shall be initiated with a view of obtaining or passing title with a reservation to the United States of the coal, oil, or gas in such lands, and of the right to prospect for, mine, and remove the same; and any settler who has initiated a homestead claim in good faith on lands containing workable deposits of coal, oil, or gas, or that may be valuable for the coal, oil, or gas contained therein, may perfect the same under the provisions of the laws under which the claim was initiated, but shall receive the limited patent provided for in this act: *Provided, however*, That should it be discovered at any time prior to the issuance of a final certificate on any claim initiated for unreserved lands in Alaska that the lands are coal, oil, or gas in character, the patent issued on such entry shall contain the reservation required by this act.

SEC. 2. That upon satisfactory proof of full compliance with the provisions of the laws under which the entry is made and of this act the entryman shall be entitled to a patent to the lands entered by him, which patent shall contain a reservation to the United States of all the coal, oil, or gas in the land so patented, together with the right to prospect for, mine, and remove the same. The coal, oil, or gas deposits so reserved shall be subject to disposal by the United States in accordance with the provisions of the laws applicable to coal, oil, or gas deposits or coal, oil, or gas lands in Alaska in force at the time of such disposal. Any person qualified to acquire coal, oil, or gas deposits, or the right to mine and remove the coal or to drill for and remove the oil or gas under the laws of the United States, shall have the right at all times to enter upon the lands entered or patented, as provided by the provisions of this act, for the purpose of prospecting for coal, oil, or gas therein, upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting. Any person who has acquired from the United States the coal, oil, or gas deposits in any such land, or the right to mine, drill for, or remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the coal, oil, or gas therefrom, and mine and remove the coal or drill for and remove the oil or gas upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking in an action instituted in any competent court to ascertain and fix said damages: *Provided*, That the owner under such limited patent shall have the right to mine the coal for use on the land for domestic purposes at any time prior to the disposal by the United States of the coal deposits: *Provided further*, That nothing in this act shall be construed as authorizing the exploration upon or entry of any coal deposits withdrawn from such exploration and purchase: *And provided further*, That nothing herein contained shall be held or construed to authorize the entry or disposition of withdrawn or classified coal lands or lands valuable for coal, oil, or gas under section 2306, United States Revised Statutes, or acts amendatory thereof or supplemental thereto, commonly known as soldiers' homestead law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 2444) to create the commission on rural and urban home settlement was announced as next in order.

Mr. WALSH of Montana. On behalf of the Senator from Utah [Mr. KING] I object.

The PRESIDING OFFICER. It will be passed over.

The bill (S. 3201) fixing the salary of the district attorney for the eastern district of New York was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

RETIREMENT OF PUBLIC-SCHOOL TEACHERS IN THE DISTRICT.

The bill (H. R. 5818) for the retirement of public-school teachers in the District of Columbia was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The Assistant Secretary proceeded to read the bill.

Mr. JONES of New Mexico. Mr. President, I do not believe that a bill of this importance should be considered during the morning hour, and I object to its further consideration.

The PRESIDING OFFICER. The bill will be passed over.

Mr. SHERMAN. Mr. President, may I inquire what the objection of the Senator from New Mexico is to the consideration of the bill, and why he desires it now passed over?

Mr. JONES of New Mexico. The thought which I had was that a bill of this importance should not be considered during the morning hour. I do not believe that Senators will have an opportunity to give it that consideration which it deserves. The bill proposes to establish a new system which involves very fundamental principles, and it seems to me the bill ought to be considered in connection with the bill for the retirement of Federal employees.

Mr. SHERMAN. A bill practically identical to this passed the Sixty-fifth Congress in February, 1918, but failed to pass the other House. I greatly hope the Senator from New Mexico will not make any objection to its consideration now.

Mr. JONES of New Mexico. If the Senator from Illinois insists upon the present consideration of the bill and believes that it should be passed during the morning hour, personally I shall not stand in the way of such action.

Mr. SHERMAN. The similar bill to which I refer was discussed at some length in the Sixty-fifth Congress, and was then passed by the Senate. I do not believe there can be any objection to the bill if Senators will examine it.

Mr. JONES of New Mexico. In view of what the Senator says, if he wishes to have the bill taken up during the morning hour, I withdraw my objection.

Mr. SHERMAN. If there is any objection, I should like to develop what the objection is in the morning hour, so that if more time is needed than can now be given to its consideration the bill may be taken up on some future occasion.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. SMOOT. I should like to have the reading of the bill concluded. I have not had an opportunity as yet to read it.

The PRESIDING OFFICER. The Assistant Secretary will conclude the reading of the bill.

The Assistant Secretary resumed and concluded the reading of the bill, as follows:

Be it enacted, etc., That within 60 days after the passage of this act, there shall be deducted and withheld from the basic salary of every teacher in the public schools of the District of Columbia an amount computed to the nearest tenth of a dollar that will be sufficient, with interest thereon at 4 per cent per annum, compounded annually, to purchase, under the provisions of this act, an annuity equal to 1 per cent of his average annual basic salary received since the passage of public act No. 254, approved June 20, 1906, for each year of his whole term of service, payable monthly throughout life, for every such teacher who shall be retired as herein provided.

The deductions herein provided for shall be based on such annuity table as the Secretary of the Treasury shall direct, and shall be varied yearly to correspond to any change in the basic salary of the teacher: *Provided, however*, That said deductions shall in no case exceed 8 per cent of his annual basic salary: *And provided further*, That when the basic salary exceeds $1,500 the deductions shall be made as on a basic salary of $1,500.

The Secretary of the Treasury shall cause to be filed with the Board of Education on September 10 of each year a certificate showing the amount of deduction to be made from the salary of each teacher during the year, said deduction to be made in 10 equal amounts, one to be deducted each school month. A similar certificate shall be filed not later than the 15th day of each calendar month to cover cases of new entrants. No deduction shall be made from less than an entire month's salary.

SEC. 2. That the amount so deducted and withheld from the basic salary of every teacher shall be deposited in the Treasury of the United States, and shall be credited, together with interest at 4 per cent per annum, compounded annually, to an individual account of the teacher from whose salary the deduction is made. The fund thus created shall be held and invested by the Secretary of the Treasury until paid out as hereinafter provided, and the income derived from such investments shall constitute a part of said fund for the purpose of carrying out the provisions of this act.

SEC. 3. That any teacher who shall have reached the age of 62 may be retired by the Board of Education on its own motion, or shall be retired if application is made by the teacher. Any teacher who shall have reached the age of 70 shall be retired unless in the judgment of two-thirds of the Board of Education such teacher should be longer retained for the good of the service.

SEC. 4. That any teacher who shall have reached the age of 45, or who shall have taught continuously for 15 years in the public schools of the District of Columbia, and who by reason of accident or illness not due to vicious habits has become physically or mentally disabled and incapable of satisfactorily performing the duties of teacher, may be retired by the Board of Education under the provisions hereinafter stated.

SEC. 5. That following the passage of this act every teacher who shall be retired under the provisions of section 3 or section 4 hereof shall receive during the remainder of his life an annuity composed of (1) a sum equal to 1 per cent of his average basic salary received since the passage of public act No. 254, approved June 20, 1906, for each year of his whole term of service, and (2) an additional sum of $10 for each year of said service, such annuity to be payable monthly and to cease and determine at his death.

SEC. 6. That the annuity of a teacher retired under the provisions of section 3 hereof shall not be less than $480, and the annuity of a teacher retired under section 4 hereof shall not be less than $420.

SEC. 7. That the second part of the annuity provided for by section 5 hereof shall be paid by appropriations from the same fund as the current expenses of the District of Columbia are now paid or may hereafter be paid; and if the deductions from a teacher's salary made under section 1 and section 2 hereof with accumulated interest, shall be insufficient to pay the first part of the annuity provided for in section 5 hereof, the deficiency shall be paid by appropriations from the same fund as the current expenses of the District of Columbia are now paid or may hereafter be paid.

SEC. 8. That in computing length of service of retiring teachers credit shall be given, year for year, but not to exceed 10 years, for public-school service or its equivalent outside the District of Columbia.

No sum shall be paid to any teacher upon his retirement under the provisions of section 3 hereof unless he shall have been employed as a public-school teacher continuously in the District of Columbia from the time of his attainment of the age of 52 years.

No sum shall be paid to any teacher upon his retirement under the provisions of section 4 hereof unless he shall have been employed continuously as a teacher in the public schools of the District of Columbia for 10 years immediately prior to his retirement.

When the average basic salary exceeds $1,500, the first part of the annuity provided for in section 5 hereof shall be based on an average basic salary of $1,500.

SEC. 9. That upon separation of any teacher from the service of the public schools of the District of Columbia prior to the age of 62 years, except for disability, as provided in section 4 hereof, he shall receive the amount of his deductions, together with the interest then credited thereon, as provided in section 2 hereof.

No teacher who shall withdraw the amount of his deductions under this section shall, after reinstatement, be entitled to the benefits under section 6 unless he shall have served at least 10 years after such reinstatement. In case of his reinstatement in the service of the public schools of the District of Columbia, the monthly deductions thereafter from his salary shall be computed as herein provided and from his age at the date of such reinstatement.

SEC. 10. That in case of the death of a teacher while in the service, the amount of his deductions, together with the interest then credited thereon, as provided in section 2 hereof, shall be paid to his legal representatives.

In case of the death of an annuitant before he shall have received annuity payments equal to the amount of his deductions, together with the interest credited thereon as hereinbefore provided, the balance thereof remaining to his credit at the date of his death shall be paid to his legal representative.

SEC. 11. That the provisions of this act shall apply to all teachers who were on the rolls of the public schools of the District of Columbia for the month of June, 1919, if otherwise eligible.

SEC. 12. That every teacher who shall continue in the service of the public schools of the District of Columbia after the passage of this act, as well as every person who hereafter may be appointed to a position as teacher in the public schools of the District of Columbia, shall be deemed to consent and agree to the deductions made and provided for herein, and the salary, pay, or compensation, which may be paid monthly or at any other time, shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all services rendered by such teacher during the period covered by such payment, except his claim for the benefits to which he may be entitled under the provisions of this act, notwithstanding the provisions of said public act No. 254, approved June 20, 1906, and of any other law, rule, or regulation affecting the salary, pay, or compensation of the teachers employed in the service of the public schools of the District of Columbia.

SEC. 13. That nothing in this act shall be construed to prevent the discharge of any teacher at any time in the discretion of the Board of Education of the District of Columbia under the provisions of law.

SEC. 14. That the term "teacher" under this act shall include all teachers permanently employed by the board of education in the public day schools of the District of Columbia, including the superintendent of public schools, the assistant superintendents, all supervisors and directors of instruction, group principals, principals, special teachers, and librarians therein; the term "basic salary" shall be construed to mean the lowest salary of the class in which the teacher is placed; and whenever the pronoun "his" occurs in this act it shall be construed to mean both male and female teachers.

SEC. 15. That the Secretary of the Treasury shall prepare and keep all needful tables, records, and accounts required for carrying out the provisions of this act. The records to be kept shall include data showing the mortality experience of the teachers in the service of the public schools of the District of Columbia and the rate of withdrawal from such service, and any other information pertaining to such service that may be of value and may serve as a guide for future valuations and adjustments of the plan for the retirement of teachers. The Secretary of the Treasury shall make a detailed comparative report annually to Congress showing all receipts and disbursements under the provisions of this act, together with the total number of persons receiving annuities and the amounts paid them. And the Secretary of the Treasury shall have made every third year after the passage of this act an actuarial valuation of this retirement fund and the operation thereof, which shall show the financial condition of the fund, and shall report the findings of such investigation to Congress at the opening of the following session.

SEC. 16. That in order to carry out the provisions of this act during the fiscal years ending June 30, 1920, the sum of $50,000, including not more than $5,000 for clerical and other services and all other expenses, is hereby appropriated from the revenues of the District of Columbia and the Treasury of the United States in the proportion authorized by law. Thereafter the Secretary of the Treasury shall include in his annual estimate of appropriations a sum sufficient to carry out the provisions of this act. No officer or employee receiving a regular salary or compensation from the Government shall receive any additional salary or compensation for any service rendered in connection with the system of retiring teachers provided for by this act.

SEC. 17. That the Secretary of the Treasury is hereby authorized to perform, or cause to be performed, any or all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

SEC. 18. That none of the money mentioned in this act shall be assignable, either in law or equity, or be subject to execution or levy by attachment, garnishment, or other legal process.

SEC. 19. That the provisions of this act shall not apply to any teacher who receives an annuity from any State or municipality other than the District of Columbia.

Mr. MYERS. Mr. President, I will ask the Senator from Illinois if State legislatures generally throughout the country have enacted laws for the pensioning of teachers? Has that practice become general?

Mr. SHERMAN. Yes, sir; it has become almost general. Of the 48 States there are 35 which now have provisions for the retirement of teachers, and in most instances such legislation has contributory provisions, as is the case in the pending bill. The 35 States having such legislation include the larger States of the Union.

Mr. MYERS. How large a proportion of the expense does this bill provide that the teachers shall bear by their contributions?

Mr. SHERMAN. The initial expense to the Government as provided in the bill is $50,000. The expense to the Government increases year by year, until finally at the peak it amounts, I think, to $175,000 a year. I am, of course, quoting now entirely from memory. There is, however, a certain amount to be deducted from the annual basic salary of the teachers equal to a sum that will purchase a 4 per cent annuity compounded, computed similarly to annuities on life policies. The part contributed by the Government, or by the District of Columbia—which is the same thing, except as to the taxes paid by residents of the District—is an amount equal to $10 per annum of each year of service of the teacher. That will be contributed by the Government, or proportionately by the taxpayers of the District of Columbia, under the half-and-half plan, as taxes are collected at present. That will be the only contribution of the Government. It is purely a contributory plan. I myself do not believe in a plan that is wholly a pension to be derived from Government sources. I believe in its being divided between the beneficiary and the Government, either the District or the State, as the case may be.

This same bill, I wish to repeat, was passed by the Sixty-fifth Congress in February, 1918. It involved some discussion at that time, which was had on the floor, and resulted in its passage, as I have stated. The House did not reach the Senate bill in time to effect its passage. The House has now passed a bill and sent it to the Senate. What we are considering is a House bill, but it is practically the same bill that passed the Senate in the Sixty-fifth Congress. I regard it as a fair pension measure. It is contributory on the part of the teachers, and the entire force of teachers in the District, about 1,000 in number, will be the beneficiaries of the bill.

Mr. MYERS. Mr. President, on account of certain conditions which I understand exist in school circles here in the District, I am not in favor of the bill; but out of respect to the Senator from Illinois, who is in charge of it, I will not interpose an objection to its consideration at this time. If the Senators want to consider it at this time and pass it I shall not interpose, on my part, any arbitrary objection; but I am not in favor of the bill.

Mr. SMOOT. Mr. President, when the bill was introduced in the House an appropriation of $50,000 was made for all expenses up to and including June 30, 1920. Half of that time has elapsed, but no change whatever is made in the appropriation; and it seems to me that the appropriation ought to be cut down at least to $30,000, including not more than $3,000 for clerical and other services. I want to ask the Senator from Illinois if that would not be about right if $50,000 was sufficient when the bill was introduced?

Mr. SHERMAN. If the $50,000 is to be deemed an appropriation for the entire 12 months there ought to be a proportional abatement, but whatever surplus may remain will be carried over. It will not be spent.

Mr. SMOOT. Oh, there never will be any surplus. If there were an appropriation of $250,000 every dollar of it would be spent.

Mr. SHERMAN. I am quite well aware of the general truth of that statement, but this is not administered by the ordinary department; it is administered out of a fund, and the appropriations for clerical purposes are limited. I have no objection to reducing the amount for clerical purposes. The $50,000, if there is any part of it remaining unexpended, because of its being a fractional part of the year, will only be carried over to the teachers' fund. I have no objection.

Mr. SMOOT. I will say to the Senator that I think if he will read the provision he will see that it applies to the whole amount. The language is:

That in order to carry out the provisions of this act during the fiscal year ending June 30, 1920, the sum of $50,000 * * * is * * * appropriated.

I thought I would give more than half, strike out "$50,000" and insert "$30,000," and strike out "$5,000" and insert "$3,000."

Mr. SHERMAN. Rather than take any chance of delaying the bill upon that ground I will accept the amendment.

The PRESIDING OFFICER. The amendment of the Senator from Utah will be stated.

The ASSISTANT SECRETARY. On page 8, line 19, it is proposed to strike out "$50,000" and to insert in lieu thereof "$30,000." In the same line it is proposed to strike out "$5,000" and to insert in lieu thereof "$3,000."

The amendments were agreed to.

Mr. SMOOT. Now, I want to call the Senator's attention to page 2 of the bill, beginning with line 9, down to and including the word "month," in line 14. That part of the bill reads as follows:

The Secretary of the Treasury shall cause to be filed with the Board of Education on September 10 of each year a certificate showing the amount of deduction to be made from the salary of each teacher during the year, said deduction to be made in 10 equal amounts, 1 to be deducted each school month.

There may not be 10 school months; and in such a case how would the deductions be made?

Mr. SHERMAN. If the number of school months should change, the deductions must change correspondingly. If the school year should be extended to 11 months, the number of deductions would be 11, or if it should be reduced to 9, there would be a similar change.

Mr. SMOOT. No; it says:

Said deduction to be made in 10 equal amounts, 1 to be deducted each school month.

That means that there must be 10 payments made each year, and it means that 1 must be made in each of the school months. It necessarily follows that there must be 10 school months, and there must be 10 payments made. Now, if there are 10 payments to be made, and there are only 8 school months, it will not work at all. It seems to me the wording ought to be such that there will be no conflict or misunderstanding whatever.

Mr. SHERMAN. There will be no practical difficulty in the administration of the law under the existing language, because 10 school months has been the school year for many years; and if it should be changed, it can be taken care of by the Appropriations Committee when it is considering the bill providing the appropriations for the District of Columbia.

Mr. SMOOT. It could not be done unless the law were changed.

Mr. SHERMAN. The law could be changed each year. There is an annual appropriation bill for the District, providing the money out of which these payments are made; and if a change should be made in the 10 school months, the matter can be taken care of in an appropriation bill. If the school year should be changed by any change of existing law or any regulations of the board of education, that can be covered in the annual appropriation bill for the District.

Mr. WADSWORTH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New York?

Mr. SMOOT. I do.

Mr. WADSWORTH. Could not the difficulty be met by merely having the language changed so as to provide that the payments shall be made in equal installments, one in each school month?

Mr. SHERMAN. That would cover it. I have no objection to that.

Mr. SMOOT. Then there would be no conflict.

Mr. WADSWORTH. Just strike out the word "ten" and let it read "in equal payments."

Mr. SHERMAN. I have no objection to making that change.

Mr. SMOOT. Then the language would be:

Said deductions to be made in equal amounts, one to be deducted for each school month.

Mr. SHERMAN. Then it can be curtailed to 9 months or extended to 11. I have no objection.

The PRESIDING OFFICER. The Senator from New York offers an amendment, which will be stated.

The ASSISTANT SECRETARY. On line 13, page 2, it is proposed to strike out "ten" and, before the word "each," to insert the word "for," so that it will read:

Said deduction to be made in equal amounts, one to be deducted for each school month.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STERLING. Mr. President, I should simply like to ask the Senator from Illinois a question. There is a partial contribution to this retirement fund by the District of Columbia. I should like to know if the Senator has made an estimate of the amount which will be contributed by the District in any given

case showing what that contribution is in proportion to the contribution made to the fund by the teacher?

Mr. SHERMAN. The larger part, from 60 to 75 per cent, is the contribution by the teacher, withdrawn from the basic salary. Forty per cent or less is the contribution by the District, one-half of which comes from the Government and one-half from the assessed value of property in the District.

Mr. SMOOT. Mr. President, section 18 read as follows:

That none of the money mentioned in this act shall be assignable, either in law or equity, or be subject to execution or levy by attachment, garnishment, or other legal process.

Do I understand from the language of that provision that it means only the moneys that are paid by the school-teachers into this fund, or, after they are retired and the annuities are granted to them, that the amount that is paid to them annually thereafter under the provisions of the bill will be exempt from execution or levy by attachment, garnishment, or other legal process?

Mr. SHERMAN. It is all exempt, Mr. President, whether the contributory portion or the portion coming from the Government.

Mr. SMOOT. Does the Senator really think that is a good law?

Mr. SHERMAN. Yes, sir; I do. I am prepared to answer that question affirmatively. In the 35 States the invariable provision is that these funds are not subject to legal process, either of garnishment, attachment, or otherwise. The fund is made for the relief of the teachers, and it is very much in the nature of exempt property. That is in addition to the general provision that governmental funds are not subject to attachment. That would apply only to the part contributed by the Government, it is true; but in this instance it is an involuntary taking by the Government of a percentage equal in amount each year to the sum required to buy a 4 per cent annuity for the teacher, and I believe it ought to be regarded as in the nature of exempt property—not subject to attachment.

The majority of the teachers here are women. Most of the teachers in the District do not own homesteads. They have no $1,000 or $1,500 exemption of homesteads, as we have in the States, and $400 or $500 or more of personal property exempt, making from $1,400 to $2,500 in the States that is exempt from attachment or garnishment or the taking under process for the payment of debts. This is intended to be a substitute for the exemptions that apply under State laws, and I do not think it is unfair.

Mr. SMOOT. That would apply to just such cases as the Senator has spoken of, but a great number of the teachers here own their own homes. They have the same exemption from execution or levy by attachment or garnishment that any other citizen of the United States has. Under this provision not only are they allowed those exemptions, but they are also allowed an exemption from execution for all that they will have by way of annuity under the provisions of this bill.

I do not believe that legislation of that kind goes to make an honest man or an honest woman. If you exempt the wage of men and women entirely, so that no action can be taken against them, no garnishment or attachment made against what they may own, it has a tendency to make them careless; it has a tendency to make them in many cases dishonest; and I really think that when passing laws we should not extend the exemption more than it is extended to the general citizenship of the United States.

Of course, I am not going to make any captious objection to the bill, Mr. President, but I wanted at least to record my dissent to legislation of this character.

Mr. NELSON. Mr. President, the objection which the Senator from Utah [Mr. SMOOT] has raised to this provision does not cover the real point. We do not allow Government employees here in the departments to be garnisheed and brought into court, for the reason that we do not want the Federal Government hampered and bothered with a lot of judicial proceedings, where they have to put in an appearance in every case and defend; and we ought not to make the District government here subject to the same difficulty. If the wages of teachers are subject to garnishment and attachment, notices will be served on the District, and the District authorities will have to appear in court and answer in all those cases in some form or another. I think it has come to be the practice in most of the States of the Union, where a person is engaged in the public service, that either a large proportion of his salary is immune from any attachment or garnishment or else it is altogether exempt from such process. I think that the school-teachers, who, compared with other employees of the Government, are getting rather small salaries, ought not to be discriminated against any more than any other class of Government employees.

Mr. STERLING. If the Senator from Minnesota will allow me, is it not quite in accordance with the general practice that the Government, or a Government agency, may not be garnisheed, or the property of its employees in the hands of the Government attached?

Mr. NELSON. That is the general practice.

Mr. SMOOT. The Senator stated the position exactly correct when he said that the salaries paid by the Government of the United States are exempt from garnishment. We all recognize that fact. But this provision does not apply to the salaries which will be paid to persons while they are in the service. This is in reference to annuities, which go to them after they are out of the service.

Mr. NELSON. I want to say to the Senator that I would apply to those who receive annuities the same rule that we apply in the cases of soldiers. This is really a pension, and we do not want this small pension subject to garnishment or attachment any more than we do in the case of soldiers.

Mr. SHERMAN. The Secretary of the Treasury must administer both funds, and necessarily the Secretary would have to come into court and answer, as the Senator from Minnesota suggested.

Mr. SMOOT. I think there is quite a difference between a soldier and a teacher. But I am not going to discuss the question any further. I do not like this kind of legislation.

Mr. STERLING. Mr. President, I want to ask the Senator from Illinois [Mr. SHERMAN] whether there is any maximum sum provided in the bill.

Mr. SHERMAN. That is limited by the pay of the teacher; it shall be not less than $480, as provided on page 5, in section 6, and in the case of the annuity of a teacher retired under section 4, not less than $420. There is an automatic limitation according to the salary of the teacher. A teacher who had a salary of $2,500 would receive a larger retirement fund than one with a salary of $1,800. But it could not go beyond the automatic limitation fixed on the basis of the salary.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

GRADE OF LIEUTENANT GENERAL.

The bill (S. 3224) relating to the creation in the Army of the United States of the grade of lieutenant general was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in the Army of the United States the grade of lieutenant general is hereby revived, and the President is hereby authorized, in his discretion and by and with the advice and consent of the Senate, to appoint to said grade one general officer, who, within the United States, prior to the close of the recent war, rendered especially distinguished service, and two general officers, who, prior to the close of hostilities, especially distinguished themselves in command of field armies in the American Expeditionary Forces; and the officers appointed under the foregoing authorizations shall have the pay prescribed by section 24 of the act of Congress approved July 15, 1870, and such allowances as the President shall deem appropriate: *Provided*, That no more than three appointments to office shall be made under the terms of this act.

Mr. SMOOT. Will the Senator from New York explain the object of the bill and state who will be the beneficiaries under the proposed legislation?

Mr. WADSWORTH. The Senator will remember that Congress restored the grade of General of the Army and authorized the President to nominate one officer to that grade; that a nomination was sent to the Senate and confirmed, and as a result Gen. Pershing became General of the Army of the United States.

The Senator will also remember that shortly after the close of hostilities the President recommended not only that Gen. Pershing be given this rank, but also that the Chief of Staff be given the same rank, that is, General of the Army; but the Congress apparently decided that it would be wiser to have but one General of the Army, and it confined its action in that regard to extending the honor to Gen. Pershing. Although the act which restored the grade of general did not mention Gen. Pershing by name, of course it was understood that his name would be sent to the Senate for confirmation.

The question then arose as to what other rewards should be extended to the officers who had distinguished themselves in the war in our armed forces; and the Congress apparently having made up its mind that there should be but one General of the Army, the Committee on Military Affairs of the Senate, after a long discussion and a good deal of inquiry, came to the conclusion that there were some officers of the Army whose service had been so conspicuous and valuable to the country that they should be given the rank of lieutenant general of the Army. The committee made up its mind, further, that there were three such officers, one the Chief of Staff, Gen. March; the second, Gen. Liggett, who commanded the first army, and who made an

excellent reputation and name for himself as a commanding officer of a field army in the Argonne; and the third one, Gen. Bullard, who commanded the second field army in France. Gens. Liggett and Bullard were the only American officers who commanded field armies in the presence of the enemy prior to the close of hostilities. One other American officer, Gen. Dickman, commanded the third field army, but the third field army was not formed until after the armistice. It was the third field army that did service in the occupied German territory along the Rhine. That was commanded by Gen. Dickman. It is also remembered that Gen. Dickman has been proposed by the President as a permanent major general in the Army, and hence it may be said that his war-time record, which is an excellent one, is about to receive, if the Senate confirms his nomination, adequate recognition.

It might be remembered also that Gen. Harbord, who had a most distinguished record in the American Expeditionary Force, both as a fighting man in the famous Second Division and later as commander of the Services of Supply, has been nominated by the President as a major general in the Regular Army, and so it may be said that his services are about to receive adequate recognition.

But Gens. March, Liggett, and Bullard are the three officers whom the Committee on Military Affairs believe very sincerely should have this recognition and be made—if the President so wishes, of course—lieutenant generals. The Senator from Utah, and probably all Senators, are familiar in a general way with their services.

Mr. SMOOT. Yes; I will say to the Senator that I am; but I wanted some explanation, as the report furnishes no detailed information along the line of my inquiry.

I want to call attention, in line 2, page 2 of the bill, after the figures "1870," to the words "and such allowances as the President shall deem appropriate." Is not that rather a broad power granted to the President?

Mr. WADSWORTH. That would seem so, Mr. President; but that is the language which was used in old-time statutes which re-created the grade of lieutenant general and authorized the President to fill it by nomination, subject to confirmation by the Senate. As I recollect it, the laws governing the pay and allowances of the officers of the Army do not cover in detail certain classes of allowances in the grade of lieutenant general, I suppose, because that grade has been so seldom used. I think our lieutenant generals have been Gen. Grant, Gen. Sherman, and Gen. Sheridan. They later each became a general, as I remember it, or for a short time at least. The language which the Senator has quoted has been the language, as I recollect it, used in those separate bills passed years ago to re-create that grade in order to extend recognition to special officers. I may say to the Senator that it is really a very small matter. The allowances that might be made under that, I think we can feel sure, would not be extravagant and the power would not be abused by the President.

Mr. TRAMMELL. Mr. President, some six months ago I introduced in the Senate a bill providing for additional recognition and reward to the rank and file of the American Army. As yet I have heard of no favorable report upon that measure or any other measure of a similar character. Until Congress sees proper to give, as I see it, the proper recognition and reward to the rank and file of the Army, I propose to object to further promotions in rank and increase in compensation to higher officers. Therefore I object to the consideration of the bill at the present time.

The PRESIDING OFFICER. The bill will be passed over.

THE IRISH QUESTION.

The resolution (S. Res. 215) providing that whenever the United States becomes a member of the league of nations this Government should present to the council or the assembly of the league the state of affairs in Ireland and the right of its people to self-government was announced as next in order.

Mr. NELSON and Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

AMENDMENT OF THE JUDICIARY CODE.

The bill (S. 2692) to amend section 24 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was announced as next in order.

The PRESIDING OFFICER. This bill was read and amended on November 3.

Mr. SMOOT. The Senator from Washington [Mr. POINDEXTER] desires to be heard upon the bill. He was called out of the Chamber just a little while ago, and stated he would return as quickly as possible, but if during his absence the bill was reached on the calendar, he wanted me to object to its consideration. Therefore, Mr. President, I object.

The PRESIDING OFFICER. The bill will be passed over.

STEPHEN A. WINCHELL.

The bill (S. 1374) for the relief of Stephen A. Winchell was announced as next in order.

Mr. THOMAS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

PROMOTION OF AMERICANIZATION.

The bill (S. 3315) to promote Americanization by providing for cooperation with the several States in the education of non-English-speaking persons and the assimilation of foreign-born residents, and for other purposes, was announced as next in order.

Mr. KENYON. Mr. President, this bill could not be considered now, of course. I give notice that when we dispose of the Sterling bill I am going to move to take up this measure.

AMENDMENT OF FEDERAL FARM-LOAN ACT.

The bill (H. R. 9065) to amend sections 3, 8, 10, 12, and 21 of the act approved July 17, 1916, known as the Federal farm-loan act, was announced as next in order.

Mr. HENDERSON. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

SEDITIOUS ACTS AND UTTERANCES.

The bill (S. 3317) to prohibit and punish certain seditious acts against the Government of the United States, and to prohibit the use of the mails for the purpose of promoting such acts, was announced as next in order.

Mr. FRANCE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

WATER-POWER DEVELOPMENT.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 3184.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3184) to create a Federal power commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved August 8, 1917, and for other purposes, which had been reported from the Committee on Commerce with amendments.

Mr. NELSON. I ask unanimous consent to dispense with the formal reading of the bill, and that the bill may be read for amendment, the committee amendments to be first disposed of.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McNARY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Fletcher	Keyes	Pomerene
Borah	France	King	Sheppard
Brandegee	Gore	Kirby	Sherman
Calder	Gronna	Lenroot	Smith, Md.
Capper	Harding	McKellar	Smoot
Chamberlain	Harris	McNary	Spencer
Colt	Harrison	Nelson	Sterling
Culberson	Henderson	New	Sutherland
Curtis	Johnson, S. Dak.	Norris	Thomas
Dial	Jones, N. Mex.	Nugent	Trammell
Elkins	Kendrick	Phipps	Walsh, Mont.
Fernald	Kenyon	Pittman	

The PRESIDING OFFICER (Mr. FERNALD in the chair). Forty-seven Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absentees.

The reading clerk called the names of the absent Senators, and Mr. BANKHEAD and Mr. MCCUMBER answered to their names when called.

Mr. PAGE and Mr. RANSDELL entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. A quorum is present.

Mr. NELSON. Mr. President, before the Secretary proceeds to read the bill I desire to make a brief statement.

As is well known by Senators who are conversant with the subject, water-power construction has been at a standstill in the country for upward of 10 years. This has been mainly owing to the fact that we have had no appropriate legislation.

Under the river and harbor act of 1899 and also under the so-called dam or water-power act of 1906 it was provided that no right to construct dams across the navigable waters of the United States should be granted without the authority of Congress. Under those provisions the practice grew up of introducing separate bills in each case and passing them through the two Houses of Congress subject to the conditions of the act of 1906.

That was the status of the matter until 1908, when President Roosevelt sent a communication to the Committee on Commerce stating that he would approve of no water-power bills thereafter unless there was a provision for the payment of compensation or royalty to the United States for the use of the water. Afterwards the Committee on Commerce made a report adverse to that and two bills were subsequently passed, one known as the Rainy River bill and the other as the James River bill. The Rainy River dam was on the international boundary line between the United States and Canada. The James River dam was in the State of Missouri. President Roosevelt vetoed the two bills. Ever since that time there has been an embargo, I might say, on water-power legislation.

The main difference grew out of the fact that a majority of the House of Representatives concurred in the views of President Roosevelt; that is, that a royalty should be paid to the United States for the privilege of constructing dams on navigable streams.

In the Senate, however, a different view of the matter was taken. The majority of the Senate held the view that, aside from purposes of navigation, aside from the interests of commerce, as might be said, all other property rights in the waters of a stream belong to the respective States, and that the Federal Government ought not to charge compensation for what is State property and not Federal property; in other words, the majority of the Senate has consistently contended for the idea that the streams and rivers of the country were the property of the States in which they were situated, and that the Federal Government had control of those streams only to the extent that the interests of commerce and navigation demanded; that, aside from that, all other use and all other property in the waters belonged to the State or to riparian owners, as the case might be. Subsequently several bill—I do not recall exactly how many—were passed in the Senate, but failed of passage in the other House. Finally, in the Sixty-fourth Congress, the House of Representatives passed two bills; one bill, reported from the Committee on Public Lands, relating to water power on the lands of the Government, and the other bill, reported by the Committee on Interstate and Foreign Commerce, relating to water power on streams other than those running through public lands. Those two bill, however, were not concurred in by the Senate.

Matters remained in that condition until, in the Sixty-fifth Congress, the House of Representatives created a new committee—a water-power committee—composed of six members of the Committee on Public Lands, six members of the Committee on Agriculture, and six members of the Committee on Interstate and Foreign Commerce. That committee, after very extensive hearings, formulated a bill, which was passed by the House and came to the Senate.

In the meantime the Committee on Commerce of the Senate reported what was commonly known as the Shields bill, and, in the Senate, that bill was adopted as a substitute for the composite House bill to which I refer. In saying that the House bill was a "composite" bill, I might say it included what was really in the two other bills to which I have referred which were passed in the Sixty-fourth Congress. It included water power both on public lands and outside of public lands. As I have stated, in the Senate the Shields bill was adopted as a substitute for the House bill.

The bill then was sent to conference. There were six conferees on each side. On behalf of the Senate three of the conferees were from the Committee on Public Lands and three were from the Committee on Commerce. There were six members of the conference on the part of the other House, and I think they represented the three committees from which the original water power committee was created.

After an extended conference, the conferees finally agreed upon a water-power bill, mainly on the basis of the House bill; that is, the House bill was taken as a basis and a few amendments were made thereto. That was during the last session of the last Congress. The conference report on the bill was adopted by the House of Representatives, and undoubtedly it would have been adopted by the Senate if time had been given for its consideration, but it being near the close of the session there was a congested condition of legislation, an embargo on business, and it was found impossible to bring up the conference report for consideration in the Senate.

The bill now under consideration, except in two or three particulars, is substantially the same bill that was agreed to by the conference committee to which I have referred. There are two or three amendments which have been attached to the bill in the Senate; but aside from those, it is substantially the bill the conference report upon which was adopted by the House of Representatives.

Mr. KING. Mr. President, will the Senator from Minnesota permit an interruption?

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Utah?

Mr. NELSON. Certainly.

Mr. KING. I have been very much interested in the statement which has just been made by the Senator from Minnesota. I have had no opportunity to examine the bill, and appreciating its great importance I desire full information as to its provisions. However, as I understand the Senator, this bill is a departure from the position which has been steadfastly maintained for years by the Senate and is an acceptance of the position which has been announced by the House of Representatives; and this bill, therefore, if I understand the Senator correctly, proceeds upon the theory that the States have no interest whatever in their waterways; that the Federal Government, under the power to control interstate commerce, may go into the States, may establish a most oppressive and bureaucratic system of licensing with respect to the use of the streams for power purposes; that every plant or mill that may be constructed along the banks of streams within the States are under the control of functionaries of the Federal Government; in other words, that the Government of the United States becomes a great landlord; that its hand will be oppressively laid upon the States; and the streams that flow down from the mountains within the State may not be used by the people within the States—by the riparian owners, or any other persons—until they come to some bureau here in Washington and get the O. K. of some Government clerk or some official and pay tribute to the Federal Government? Is that this bill?

Mr. NELSON. No; it is not altogether.

Mr. KING. In part?

Mr. NELSON. I want to call the attention of the Senator from Utah to section 27 of the bill, which provides:

> SEC. 27. That nothing herein contained shall be construed as affecting or intending to affect or in any way to interfere with the laws of the respective States relating to the control, appropriation, use, or distribution of water used in irrigation or for municipal or other uses, or any vested right acquired therein.

I will say further——

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Colorado?

Mr. NELSON. If the Senator from Colorado will allow me to complete my reply to the Senator from Utah, then I will yield, or if the Senator desires I will yield to him now.

Mr. THOMAS. I merely wish to say to the Senator that not the House only, but the Supreme Court of the United States in some recent decisions has emphasized the authority and jurisdiction of the Federal Government over these streams. I do not think that is good law, or at least I did not think so until the Supreme Court said it was; but, necessarily, I must accept what the Supreme Court of the United States declared to be the law on this and other subjects.

Mr. NELSON. I wish to say in answer to the Senator from Utah that the Committee on Commerce has reported an amendment, which he will find on pages 18 and 19 of the bill, providing that, in lieu of the compensation proposed by the House bill, the Federal Government shall only receive what I may call compensation for its administrative expenses; that is, for examining the plats, supervising the work, and for similar expenses to which it may be put in connection with water-power development; otherwise the Federal Government is not to receive any compensation.

The nearest the Supreme Court has come to rendering a decision along the line referred to by the Senator from Colorado is in a case relating to the use of water power—I do not remember the title of the case——

Mr. LENROOT. The Dunbar case.

Mr. NELSON. The Dunbar case.

Mr. THOMAS. That is the case I had in mind.

Mr. NELSON. If the Senator from Colorado will carefully examine that case, he will find, I think, that it is based on the act of Congress which assumed entire jurisdiction and

control over the stream involved, so that the case is not exactly an authority for what the Senator supposes it is. It simply carries out the provisions of a law enacted by Congress authorizing to be done what was done in that case, and expressly on that ground, as the Senator, I think, will see if he will examine the case.

Mr. President, I have only a few words more to say. The pending bill provides for the establishment of a water-power commission, consisting of the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of War. It provides also for a secretary to the commission, with a salary, according to the House bill, of $5,000. The Senate committee has increased that compensation to $6,000. The water-power commission thus created is given authority to act within the scope of the bill.

The bill provides, first, for what may be called temporary permits. For instance, if a person desires to investigate and consider the power capacities and possibilities of a given stream and desires time for preparation he may secure a permit for a period not exceeding three years. Before any dam or works for the development of water power can be constructed, however, either by the holder of a temporary permit or by anyone else, application must be made to the commission. In the event application is made, water-power rights can not be granted for a longer period than 50 years. The bill provides also for what is called recapture at the end of 50 years. The Government, upon giving notice or without notice, at the expiration of the period of the permit can take back the property, in which event the bill provides the manner in which the compensation shall be liquidated.

There are many other provisions of the bill, but they are all practically the same as in the original bill to which I have referred, and I do not care about discussing them at this time.

The chief amendment reported by the committee is in reference to the compensation for the use of water. The Supreme Court of the United States held some years ago in a New Jersey case, and ever since has held consistently, to the doctrine that the property rights in navigable waters and streams within the boundaries of the States are in the respective States, or, as the case may be, in the riparian owners, and that the only interest the Federal Government has in any such streams is for the purpose of conserving, protecting, and controlling navigation.

It has said that inasmuch as an applicant is obliged to go to the Government to secure a license or permit to build a dam the Government should have a right to exact full compensation for the use of the water. In one sense we are at the mercy of the Government; but it is wholly inequitable and unjust to compel parties who are building dams with their own money and without expense to the Government to pay compensation to the Federal Government for property that belongs to a State. I think that view of the case has been amply sustained by the decisions of the Supreme Court, and the only answer I have heard to it is that as it is necessary to go to the Government to get a license or permit the Government, therefore, has a right to say on what terms it will grant the permit.

The chief amendment which the Committee on Commerce made in the bill is to carry out the views that the majority of the Senate have held in these matters heretofore; namely, that aside from the expenses to which the Government is put in the matter of examining and investigating the plans and supervising the work and getting compensation for that, the Government is not entitled to any other and further consideration.

This is all I care to say at the present time in reference to the bill. As we go on, I shall try to answer questions as far as I can.

Mr. KING. Mr. President, will the Senator permit a question?

Mr. NELSON. Yes, sir.

Mr. KING. I am not able to see by what authority the Federal Government, under the interstate-commerce clause of the Constitution, claims the right to go into the States and supervise the construction of dams, and to exact licenses and permits from those who may enter upon streams and utilize the power that may be developed and construct dams therein. It seems to me, if the Senator will pardon me, that the correct and the proper view to take is that if a stream should be entered upon by an individual, under the authority of the State, in such manner that navigation was interfered with, the Federal Government by proper proceedings could have the dam and obstruction abated as a nuisance. It seems to me, however, that for the Federal Government to pass laws embracing the features which I understand from the statement of the Senator this bill provides, authorizing the Federal Government to go into the States and exact licenses of individuals before they may construct a mill upon a stream which may be a long distance from a navigable stream or, indeed, upon a navigable stream, and giving the Federal Government the power of a proprietor or constituting it a sort of a landlord, is inconsistent with our theory of government and destructive of the rights of the States.

I can not understand the justification of legislation of this character.

Mr. NELSON. That has been the contention in both Houses of Congress. The majority of the House has heretofore invariably taken the view that Congress had a right to exact full compensation. A majority of the Senate has taken the other view. There has been a small minority here in the Senate heretofore that has concurred in the views of President Roosevelt and in the view of the minority of the House.

I want to say, in addition, what I omitted to say before. The Senator is aware that there are two general rules in this country in reference to the rights of riparian owners. In the Eastern States and most of the Middle Western States—in fact, in most of the States east of the Rocky Mountains—the principles of the common law prevail as to the use of the water in streams. The fundamental principle of the common law is that each riparian owner is entitled to the use of the water in the stream as it would be in its natural condition, and that no man either above or below him has a right to divert the water in such a way as to deprive the riparian owner of the use of that water. It is also held that if there are two owners, one on each side of the stream, the rights of each one extend to the middle or the thread of the stream.

In the mountain States, the mining States, and in the arid States a different view prevails in reference to the use of water power. There the doctrine of what is commonly called prior appropriation prevails. In some cases it is very radical. In some cases—I think in California and perhaps in one or two other States—there is a modification of it; but, after all, in nearly all of those cases the right to the use of the water is conferred on the first appropriator, subject to certain rights in reference to domestic use, and so forth.

I remember one remarkable case from Arizona as illustrative of the extreme view of that doctrine, where a man had taken water from a stream and run it over the land of the riparian owner, run it back for a good many miles beyond him, and used the water to such an extent that it left nothing for the riparian owner. The courts in the Arizona case held that the man who first appropriated the use of the water, being the first man to use it, was entitled to the use of the water, even though he was remote from the riparian owner, and even though the ditch ran across the land of the riparian owner.

But these questions to which I refer perhaps are not strictly germane to this bill. So far as irrigation is concerned, and so far as the use of water for domestic purposes is concerned, the bill saves to the States all the rights that they have under their State legislation.

There are two classes of dams. Where a dam is constructed by the Federal Government for purposes of navigation, and there is a surplus power to be disposed of that ought to be utilized, in that case the Federal Government having constructed the dam, and by the construction of it having created a water power, manifestly the Government is entitled to full compensation for the use of that power. But where the Government has simply issued a license to a man, giving him permission to build a dam with his own money, his own capital, his own resources; in that case I have always believed, and that has been the view of the majority of the Senate, that the Government is not fairly and equitably entitled to any pay for the use of the water. If any compensation is to be made for the use of the water, it belongs to the States or to the riparian owners.

Here is another element which, to my mind, enters into this question: Whatever cost you add to it, whatever cost you make the licensee pay, will be added to the cost of the power developed, and will be ultimately borne by the consumer. The bigger the compensation you exact the higher will be the charge to the consumer for the use of the power. That is inevitable. Now, if the Federal Government only charges for the expenses of what I call the administration of the matter, the expenses to which it is put in connection with the approval of the plans for the construction of the dam and seeing that all the conditions are complied with, and the State sees fit not to charge anything, it will enable the company to furnish the power to the consumers at a much lower rate.

Mr. President, if you will read the decisions of our Supreme Court on this question, there is no doubt at all but that you will come to the conclusion that outside of the purposes of navi-

gation or commerce, to use the broad term, every other use of the water, every other property in the water in a stream, belongs to the respective States, or in some cases to the riparian owners. The question now before the Senate, and the main question, I take it, in connection with this bill, is upon this amendment reported by the committee.

Mr. President, I shall take up the time of the Senate no further. I shall be glad to answer questions as they occur in the course of the reading of the bill.

Let the reading be proceeded with.

Mr. LENROOT. Mr. President, before the reading of the bill begins I desire to make some general observations.

First, I wish to say to the distinguished Senator from Minnesota that important as is the amendment that he speaks of, relating to compensation, it is by no means the most important amendment that the committee has reported to this bill. It is by no means the most vicious amendment that the committee has reported to this bill. The amendment that is most important from the public standpoint is the one changing the license under the bill from a 50-year license to a perpetual license, a license that runs on forever, unless the Government itself takes over the property, which I shall be able to show is made practically impossible by the terms of the bill.

The importance of water-power development we all realize. There has been an issue between the House and the Senate for many, many years upon what should constitute a proper water-power policy; and for many years as a Member of the House I was quite active in connection with this legislation in defending as best I could the policy that the House undertook to establish and to which the Senate during all those years never would agree. At the last session of Congress, however, the conferees finally did get together and in the main adopted the policy with reference to water-power legislation that the House had asserted, and it was embodied in the conference report. But this bill, as reported by the Senate committee, in its essential features, so far as the protection of the public interest is concerned, differs as widely from the conference bill that was agreed to by the Senate conferees as night differs from day.

Mr. President, it is estimated that the potential water-power possibilities of this country that could readily find a market if properly developed range anywhere from twenty-five to fifty million horsepower. There are a little over 6,000,000 horsepower developed now; and, of course, whatever may be our views as to the proper policy to be adopted, all of us ought to agree that we should find some means for the development of this water power to save the coal resources and oil resources of our country, so that this power may be developed and used in the public interest; but we also agree that no legislation should be enacted that offers to water-power capitalists greater inducements than are necessary to procure water-power development. The conference bill agreed upon at the last session was one that the water-power financial interests of this country were anxious to have adopted, and they signified their belief that under the provisions of that bill sufficient money could be raised in the United States to develop the water power of this country and save all else for the interest of the public. In the face of that, however, the Senate committee has reported this bill, which, in place of a flat 50-year franchise, as was agreed upon in the conference report, contains an amendment that will give to these water-power interests a perpetual franchise, a little bit concealed in the bill, it is true, but it is there nevertheless.

Mr. FLETCHER. If the Senator will refer to section 6 he will find that it reads:

That licenses under this act shall be issued for a period not exceeding 50 years.

Mr. LENROOT. Yes.

Mr. FLETCHER. Does not that meet the objection the Senator is urging?

Mr. LENROOT. It certainly does not. That is the way the Senator from Wisconsin wants it, but if the Senator will turn to page 26, the proviso beginning with line 17, he will find that that is nullified and negatived. The language is, as the Senate committee proposes to amend it—

That in the event the United States does not exercise the right to take over or does not tender a new license on reasonable terms to the original or a new licensee—

Now mark—

which is accepted, then the commission shall issue from year to year an annual license to the then licensee under the terms and conditions of the original license until the property is taken over or a new license is issued.

Mr. FLETCHER. I will ask the Senator just one other question. The bill as it came from the House is in accordance with the conference report of the last Congress?

Mr. LENROOT. It is.

Mr. FLETCHER. And it is the Senate amendment to that bill which the Senator from Wisconsin contends deviates from that report?

Mr. LENROOT. Yes.

Mr. NORRIS. If I understand the Senator's construction of the bill, one of two things must happen in order to terminate a lease: First, the Government of the United States must take it over, or the new lease must be satisfactory to the lessee.

Mr. LENROOT. Exactly; and if it is not satisfactory, all they need to say is, "We do not like the lease that you have tendered us and we will not accept it"; and then they are entitled to an annual renewal of their old franchise so long as time shall run.

Mr. NORRIS. So the result would be that the lessee would never accept the new lease unless it was something that gave him better terms than he had under the old lease.

Mr. LENROOT. Of course, he would never accept a new license unless its terms were more liberal to him than the license which is issued under this law. I want to know whether any Senator is going to stand upon this floor and justify that amendment. Let me read it again:

That in the event the United States does not exercise the right to take over or does not tender a new license on reasonable terms to the original or a new licensee which is accepted, then the commission shall issue from year to year an annual license to the then licensee under the terms and conditions of the original license until the property is taken over or a new license is issued.

If the Senate adopts that amendment, the insertion of those three words, "which is accepted," will change the bill from the grant of a 50-year franchise to a grant of a perpetual franchise, something that the water-power interests themselves did not ask at the last session of Congress, and to my knowledge now some of the water-power interests that I know to be legitimate are not asking it to-day. Who, then, is asking it, and what is the purpose of the committee in granting a perpetual franchise when there is no legitimate investor that I know of that is asking it?

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER (Mr. PHIPPS in the chair). Does the Senator from Wisconsin yield to the Senator from Oregon?

Mr. LENROOT. I yield to the Senator.

Mr. CHAMBERLAIN. I desire to ask the Senator if he does not construe the last words in the amendment which he read a while ago as a modification of the so-called perpetual clause into an annual leasing?

Mr. LENROOT. Yes; but in its effect it is an annual leasing. It goes on from year to year.

Mr. CHAMBERLAIN. But with the right to the Government at any time within any year to proceed to take it over.

Mr. LENROOT. Certainly. But it is rather a curious fact that while it is asserted that that is a substantial right to the Government, it is usually asserted by the very gentlemen who say that anything of that kind savors of socialism, and they would be opposed to it under any circumstances. I will be able to show a little later that while the right does exist for the Government to take over under what is known as the "recapture clause" under a provision in the bill, which is also found in the House bill, it will be impossible for the Government to take it over in the vast majority of cases without paying a great deal more than the net investment of the licensee in the property or the value of the property that is taken over.

I am not going to discuss that at length now. I am only making some general observations concerning the amendments that have been proposed by the Senate committee, which have changed the bill from a bill in the public interest to a bill that is clearly against the public interest and in the interest of private capital, irrespective of the public interest.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Minnesota?

Mr. LENROOT. I yield to the Senator.

Mr. NELSON. I think the Senator is entirely in error when he says we have made this a perpetual and continuing lease. That was exactly what was done in the conference report. Let me read it to the Senator. I have here the conference report, which states:

SEC. 15. Provided that in the event the United States does not exercise the right to take over and does not issue a new license to the original or a new licensee, then the commission shall issue from year to year an annual license to the then licensee under the terms and conditions of the original lease until the property is taken over or a new license is issued as aforesaid.

Now, let me compare that with the language here:

That in the event the United States does not exercise the right to take over or does not tender a new license on reasonable terms to the original or a new licensee which is accepted—

And, of course, any license which is not accepted would be of no account—

then the commission shall issue from year to year an annual license to the then licensee under the terms and conditions of the original license.

In other words, if the time has expired and the Government fails to recapture the property, and there is not a new lease made, the lease is continued from year to year. That was the provision in the conference report and that is the provision in this bill.

Mr. LENROOT. May I just ask the Senator, if he is so sure of that, why the committee—and I am a member of it—offered this amendment, to insert the words "which is accepted"?

Mr. NELSON. That has nothing to do with it. That is with reference to a renewal of the lease under the original license. It does not refer to the lease from year to year. If the Government does not take over the property, it has a right to lease it again. But, of course, no lessee will take it unless he accepts it. That is inevitable. Those words are simply surplusage.

Mr. LENROOT. Then the Senator will not object to the amendment not being agreed to, I take it?

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Florida?

Mr. LENROOT. No; I want to ask the Senator from Minnesota a question in reference to what he said.

Mr. NELSON. The Senator has made the statement that because the original lease can be renewed from year to year that is robbing the Government and continuing a perpetual lease, when it is exactly what was in the conference report.

Mr. LENROOT. In the first place, it is not, because the clause "which is accepted" is a Senate committee amendment.

Mr. NELSON. No; let me read it.

Mr. LENROOT. I am familiar with it. The words "which is accepted" are not in the conference report.

Mr. NELSON. It reads:

Provided, That in the event the United States does not exercise the right to take over and does not issue a new license to the original or a new licensee, then the commission shall issue from year to year a new license to the then licensee under the terms and conditions of the original lease.

If there could be a perpetual lease under this bill, there could be under the conference report that I have just quoted.

Mr. LENROOT. Will the Senator inform the Senate what the purpose of the committee was in offering as an amendment the words "which is accepted"?

Mr. NELSON. No lease can be valid unless accepted. You can not force a lessee to take a new lease unless he accepts it. That is implied in every license.

Mr. LENROOT. Then is it the Senator's position that until the original licensee accepts a new lease he is entitled to a lease from year to year?

Mr. NELSON. Now, here is the alternative——

Mr. LENROOT. Will not the Senator answer the question?

Mr. NELSON. The Senator is again misconstruing the bill. It reads:

That in the event the United States does not exercise the right to take over—

That is one provision. Then it proceeds:

Or does not tender a new license on reasonable terms to the original or a new licensee which is accepted.

There are two cases. In case the United States does not exercise the right to take over the United States will continue the license from year to year. There are two cases provided for in that provision, and it is not open to the objection the Senator from Wisconsin makes to it.

Mr. LENROOT. Let us see whether it is or not. If the Government does not take it over, then under that language is not the licensee entitled to a renewal from year to year?

Mr. NELSON. Exactly. That is what I said. That is the provision in the original conference report, and the Senator will not state that that was not provided for in the original conference report.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. LENROOT. I yield.

Mr. WALSH of Montana. I should like to ask the Senator from Wisconsin if he will permit the Senator from Minnesota [Mr. NELSON] to respond to a question that I desire to address to him, namely, Will the Senator from Minnesota tell the Senate just exactly what is the purpose of the amendment proposed by the committee? In other words, will not the Senator tell us what the difference in meaning is between the original and the text as it is amended? What was the change which the committee intended to accomplish?

Mr. NELSON. I am unable to state of my own knowledge. I was present with the committee, but it was not an amendment offered by myself. The Senator from Wisconsin [Mr. LENROOT] was present, I think, at the time.

Mr. LENROOT. No; I was not present.

Mr. FLETCHER. Mr. President——

Mr. NELSON. And the Senator from Florida, I think, was present.

Mr. FLETCHER. The idea seems to have been, and I think it is a very reasonable and proper idea, that where the Government fails or refuses to take the property over it is not advisable that it shall go to waste, that it shall absolutely disappear, that the public shall be deprived of the power which has been generated there and actually put in use. The Government ought either to take it over or issue another license. The bill provides for that. All the Government has to do is to take it over at the end of the 50-year period.

Mr. WALSH of Montana. Or issue a new license.

Mr. FLETCHER. If it does not want to do that for any reason, then it ought to issue a new license, so that the improvement may be of some advantage and use, so that it shall not go to waste and be dissipated and the power be unutilized. The other provision is that a new license shall issue to the original licensee. But suppose the original licensee does not want it, that he is not, we will say, in a position to carry on the enterprise, and a new licensee says, "I will take it." This bill provided originally that the Government should say to some new licensee, "We will give you this same contract that we had. We will extend this same license, this same permit."

Suppose the new licensee does nothing. Suppose he simply sits idle and does not obligate himself to carry on the work, or to continue the industry or the development, or utilize the power, but simply sits by and does nothing. We thought it well enough to put in here a provision that would oblige him to do something by compelling him to accept that.

Mr. LENROOT. Will the Senator yield?

Mr. FLETCHER. Certainly.

Mr. LENROOT. The words "which is accepted" apply to the original licensee.

Mr. FLETCHER. I do not think they do.

Mr. LENROOT. As well as to the new licensee.

Mr. FLETCHER. I do not think so.

Mr. LENROOT. Why, language could not be plainer.

Mr. FLETCHER. It says "a new license on reasonable terms to the original or a new licensee which is accepted." The word "license" as written in the bill probably ought to be "licensee." It appears here as "license."

Mr. LENROOT. It should be "licensee."

Mr. FLETCHER. I presume it should be "licensee." The idea was to put the proposition into definite shape where the parties undertaking to continue the enterprise would agree to do it, and not merely issue them a permit which they might or might not exercise and take advantage of.

Mr. LENROOT. Will the Senator permit me to ask him a question?

Mr. FLETCHER. So we put it in the bill that the Government must take over the property first, or else if it does not see fit to take over the property it must see to it that the property is utilized in some way by entering into a contract which is accepted by the party, and that means that the party accepting the contract, whether the original licensee or the new licensee, is bound to do something. He is obligated to do something if he accepts it. If he does not accept it he would not be bound to do anything.

Mr. LENROOT. Will the Senator let me ask him a question? If the Government does not take it over, if it does not issue a new license to a new licensee and if the original licensee does not accept the new license, what is the situation?

Mr. FLETCHER. In that situation, then, it goes on under the original issue. He is entitled then to have——

Mr. LENROOT. A year-to-year license.

Mr. FLETCHER. Yes; under the original terms.

Mr. LENROOT. That is what I have been contending all along. Now, the Senator and I have the same construction and he adopts the perpetual license I spoke of.

Mr. FLETCHER. No; I think not. I think the words "which is accepted" apply not only to the original licensee but to the new licensee.

Mr. LENROOT. Oh, yes; they do.

Mr. FLETCHER. Therefore the words are worth while. It may not vitally matter, but the words are worth while, because the new licensee might step in and the Government might say, "You do not want to continue, so we will find a man who will and we will issue a permit to him." We say, "You can not do that unless you bind the new licensee himself to do something." He

does that when he accepts the new license, not merely sitting there and having one issued to him without actually agreeing to the terms of it.

Mr. LENROOT. The Senator has apparently quite agreed with me that if the Government does not take over the property and does not issue a new license to the new licensee and if the original licensee refuses to accept the new license, then he is entitled to go on under his original license from year to year for all time. I want to ask the Senator if he is in favor of that kind of legislation?

Mr. FLETCHER. I am, because I think——

Mr. LENROOT. Very well; I have the Senator's answer.

Mr. FLETCHER. I will say to the Senator, by way of a full answer to his question, that I am, because I think it is the business of the Government and that the obligation rests upon the Government to a certain extent in the public interest to either cancel the license or issue another one.

Mr. LENROOT. But it can not cancel the license. That is the trouble. How can it cancel it or take it away without paying for it in full not only for the time but all time thereafter?

Mr. FLETCHER. It can take it over. I think the Government ought to take over the property——

Mr. LENROOT. Is the Senator in favor of having the Government acquire all the water power and transportation lines in the country and operating them under Government ownership?

Mr. FLETCHER. No; I will not say that.

Mr. LENROOT. But that is where the position of the Senator brings him to.

Mr. FLETCHER. Not at all, because the obligation of the Congress, it seems to me, is to put this great industry in such position that the public will get benefit from it and that it can not be paralyzed and dissipated merely because the Government, through its officials, fails to do that which it should do. We want to say in the bill that the commission must act, not that they may sit idle and let time go by and pay no attention to these great enterprises all over the country. They must do something.

Mr. LENROOT. Oh, of course, nobody is objecting to that, but the Senator wants the licensee to be in a position where he does not have to do anything, and if he sits still and does nothing that goes on forever under his original license. That is the position of the Senator——

Mr. FLETCHER. For a definite time.

Mr. LENROOT. No; an indefinite time—from year to year. I want to say to the Senator very frankly, because I appreciate the position he has taken, that if the Senate adopts these amendments and the House should concur in them the bill will never become a law. I know the bill would be vetoed with any such provision in it.

Mr. CHAMBERLAIN. Mr. President, may I ask the Senator from Wisconsin a question?

Mr. LENROOT. I yield to the Senator from Oregon.

Mr. CHAMBERLAIN. May I say to the Senator from Wisconsin that I feel as he does about this matter? I would oppose anything like a perpetual license; but assuming that at the end of the 50-year term under the law as the Senator would have it nothing was done either by the Government or by the licensee, what would happen? Would the lease ex vi termini cease?

Mr. LENROOT. Under the language as I would like to see it it is provided that unless the Government takes it over or gives it to a new licensee under the terms of the bill with full compensation they then must tender a new license to the licensee, and if they do not, then they are entitled from year to year to a license until they do.

Mr. CHAMBERLAIN. Under the Senator's contention?

Mr. LENROOT. Yes.

Mr. CHAMBERLAIN. It did seem to me, in reading the provision to which the Senator objects, that it had the effect of enabling the Government, in case of laches on the part of its officials, to proceed within the first year by renewing the license for a year, and if it did not do that within the year of the second lease, then they could proceed. In other words, it seems to me this is a case of the Government simply attempting deliberately to recapture the property at any time.

Mr. LENROOT. I do not object to that feature; in fact, I am in favor of it, but I do not want a vested right in the licensee to refuse to accept a new license, and thus get a perpetual license under the nominal right of an annual licensee from year to year.

Mr. WALSH of Montana. Mr. President——

Mr. FLETCHER. Do I understand the Senator prefers the committee amendment in that it uses the word "tender" in line 19 instead of the word "issue"?

Mr. LENROOT. Yes.

Mr. FLETCHER. The Senator prefers that?

Mr. LENROOT. Yes. At this point I might as well say that I stated that the conference report was a flat 50-year franchise or right. Senators will remember the circumstances under which the report was made to the Senate and why it was not brought up, but when the conference report was made I did object to the use of the word "issue." I talked with nearly all the conferees and they insisted that the word "issue" in this respect and the word "tender" were synonymous terms. The water-power interests that were looking after their side of it also took the same position. I took such opportunity as I then had to ascertain the legal definition of the word "issue," and I confess that it was somewhat in doubt; but, merely to remove any doubt, I myself proposed the amendment in committee that the word "issue" should be changed to "tender." If that is done and the words "which is accepted" are not adopted as a Senate amendment, the provision will fully protect the public interests in so far as the terms of the licensee are concerned.

I now yield to the Senator from Montana.

Mr. WALSH of Montana. I regret exceedingly that the committee thought it wise by the introduction of the proposed amendment to precipitate again the controversy which has waged between the two Houses for a long period of time and arrest this much-needed legislation. I want to say, however, that I can not think that the amendment proposed reaches the condition suggested by the Senator from Florida [Mr. FLETCHER]. I likewise feel that the Senator from Wisconsin [Mr. LENROOT] is not quite right in saying that this would establish a perpetual license, because the license only runs from year to year, with the right in the commission to issue a new license at any time.

Mr. LENROOT. But it must be accepted by the licensee?

Mr. WALSH of Montana. Yes; but that is only in case it is not accepted. The license goes from year to year, but with power in the commission to issue a new license to some one else at any time; so it can not be considered as a perpetual license.

Mr. LENROOT. It is a perpetual license unless the property is taken over and paid for.

Mr. WALSH of Montana. Or unless another license is given to some one else.

Mr. LENROOT. Then it must be taken over and paid for.

Mr. WALSH of Montana. Of course; by the new licensee. Of course, some provision should be made for the case of the expiration of a license when the Government does not desire to take it over and no one else wants a new license. That condition should be taken care of, and some provision should be made for it.

Mr. LENROOT. If the proviso of the Senate committee amendment is adopted it will then require the tender of a new license to be made to the original licensee, and if the tender is not made he will be entitled to a license from year to year under the original license grant. There is more than a mere matter of form in connection with this. Why should not the Government be free in this regard? The Government ought to be free at the end of the 50-year term to deal in a given case according as the circumstances of that case may exist at the end of 50 years. Fifty years is a long time.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield further to the Senator from Montana?

Mr. LENROOT. Certainly.

Mr. WALSH of Montana. Why should not the commission be required at the expiration of the period to tender? That would solve the situation. Why should it be left to their option to tender a new lease?

Mr. LENROOT. That is the effect, because they are entitled to an annual license, unless they do tender a new one. There is no objection to that. That would bring the tender of a new license, of course, but the difficulty is that the licensee may refuse to accept it, and of course he will refuse to accept it in every instance where the terms of the new license are less liberal than the terms of the original license.

Mr. WALSH of Montana. That, of course, is quite obvious.

Mr. LENROOT. The only case under the language of the proposed amendment where the licensee would accept the new license is where the new license was against the public interest and in his favor more than the original license.

Mr. WALSH of Montana. Let me inquire of the Senator whether that is exactly right? A license is tendered to him by the commission very much more onerous than the original license, and he declines to accept it. Under the proposed amendment he would be entitled to a lease only from year to year, but it would be subject to be let to a new licensee at any time. So if he desired to continue the business, in order to insure the continuance of the business in his hands, he might be quite willing to accept one very much more onerous in its terms than the original license, recognizing that new bidders would come in at

the end of the year, or sooner, and possibly take the property on the terms offered to him. So it does not seem to me that he would necessarily decline to accept, even though the terms were more onerous than the original lease.

Mr. LENROOT. Mr. President, he would decline to accept for the reason that the new licensee could not get the property on paying the net investment to the original licensee for anything like its worth to him, because there are provisions in the bill which require him, in addition to paying the value of the property, to pay the original licensee what are known as severance damages.

Mr. WALSH of Montana. Of course, that is an entirely different feature of the bill.

Mr. LENROOT. It is a different feature of the bill, but it goes to the fact that the provision for a new licensee is no protection to the public in so far as compelling the original licensee to accept a new license tendered by the Government is concerned.

Mr. WALSH of Montana. Of course, that is another feature of the bill that we shall have to take up as an independent proposition when we get to it.

Mr. LENROOT. But it has a direct bearing upon this, because it destroys the Senator's argument that it is a protection to the public because a new licensee must take over the property at any time at exactly the net investment.

Mr. WALSH of Montana. The Senator from Montana has been making no argument. I have not had the benefit of the consideration of this matter by the committee as has the Senator from Wisconsin; I am very desirous of having a proper bill enacted; and I was endeavoring to elicit information and to ascertain how the Senator's statement that this amounts to a perpetual license is exactly correct. It did not occur to me that it was.

Mr. LENROOT. That it is a perpetual license I think the Senator will agree with me.

Mr. WALSH of Montana. The Senator from Montana will rely upon the Senator from Wisconsin with entire confidence in any effort he may make to fix a period for the licenses at not more than 50 years.

Mr. LENROOT. It can be done by refusing to adopt the Senate committee amendment inserting the words "which is accepted" and adopting the amendment inserting the word "tender" instead of "issue," which will make it very clear that it will be a 50-year license and that at the end of the 50 years a new license must be tendered or the property must be turned over either to the Government or to a new licensee or else the original licensee will be entitled to an annual lease until one of those three things is done. That I am in favor of.

Mr. NUGENT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. LENROOT. I yield.

Mr. NUGENT. I will say that I am in entire accord with the views expressed by the Senator from Wisconsin [Mr. LENROOT] in respect to the effect of the proviso contained in section 15 of the bill; but I desire to call the Senator's attention to what I believe to be the fact, that there is a direct contradiction as between the provision of the body of the section and that contained in the proviso. In the body of the section it is provided that—

> The commission is authorized to issue a new license to the original licensee upon such terms and conditions as may be authorized or required under the then existing laws and regulations.

Under the proviso it is simply required that in the event the original licensee is not tendered a new license upon such reasonable terms as may be agreeable to him, then the commission shall issue to him under the original terms a license from year to year, utterly regardless of what the law may be at that time.

Mr. LENROOT. Exactly; and that was the next matter I was coming to in the discussion—the inclusion of the word "reasonable" in the amendment. Congress by the enactment of this proposed law would confer jurisdiction upon the courts not alone to determine the constitutionality of the law but to determine the reasonableness of the law itself—something that is entirely unprecedented in legislation; something that I do not think any Senator has ever before heard of in legislation.

The body of the section, as the Senator from Idaho [Mr. NUGENT] states, provides that "the commission is authorized to issue a new license to the original licensee upon such terms and conditions as may be authorized or required under the then existing laws and regulations." Then, in the proviso, it is provided, in effect, that those laws and regulations must be reasonable; and it would give the courts the power to set aside a law of the Congress of the United States, not because it was unconstitutional but because, in the opinion of the court, it was unreasonable. So much for that.

Mr. CHAMBERLAIN. Before the Senator from Wisconsin passes from that, will he not indicate to the Senate just what changes he would make in the proviso in order to make it conform to his view?

Mr. LENROOT. Yes. I would adopt the committee amendment striking out the word "issue," in line 18, and inserting the word "tender," and refuse to agree to the Senate committee amendment in line 19, inserting the words "on reasonable terms," and the amendment in line 20, inserting the words "which is accepted," so that the proviso would read as follows:

> *Provided*, That in the event the United States does not exercise the right to take over or does not tender a new license to the original or a new licensee, then the commission shall issue from year to year an annual license to the then licensee under the terms and conditions of the original license until the property is taken over or a new license is issued as aforesaid.

Mr. WALSH of Montana. Should not the word "issue" remain as applied to the new licensee and not simply the word "tender"?

Mr. LENROOT. I think "tender" would cover it. If they do not tender a license to the new licensee, then they can permit the old licensee to operate the property from year to year.

Mr. WALSH of Montana. Suppose they do tender it and it is not accepted.

Mr. LENROOT. If it is not accepted, should the original licensee desire so to do, he may continue from year to year.

Mr. WALSH of Montana. But if it is tendered to the new licensee and he does not take it the original licensee would not have a right then to operate the plant from year to year. It must be issued to the new licensee in order to make the case.

Mr. LENROOT. I think "tender" makes the case. A tender protects the original licensee.

Mr. WALSH of Montana. I understand that; but let me cite a case to the Senator. A new licensee asks for a license and the license is tendered to him, but he does not take it. The conditions now exclude the original licensee from getting his year-to-year license.

Mr. LENROOT. I see the Senator's point. That, however, could, of course, be very easily remedied by making the proviso read "issue to the new licensee or tender to the original licensee."

Mr. FLETCHER. May I ask the Senator, if there is a tender of a new license to the new licensee, is it not fair to say that that tender of a new license ought to be on reasonable terms? Is there any objection to that?

Mr. LENROOT. It ought to be tendered on such terms as the law may then authorize. The Senator would not say that the courts should have the power to inquire into the reasonableness of the terms authorized by existing law.

Mr. FLETCHER. Suppose the law did not cover that point; suppose the law did not specify what are reasonable terms. The license has expired, the original licensee is not tendered a license, but some new person is tendered a license. If the enterprise is not continued large industries may suffer—those who have been using the power, for instance, may suffer. Ought not that tender of a new license to be upon reasonable terms, irrespective of what the other terms may have been?

Mr. LENROOT. Does the Senator think that the law should be such that the courts should inquire into the reasonableness of the terms of an act of Congress?

Mr. FLETCHER. I should think that might be done in the case of public utilities.

Mr. NUGENT. Mr. President, in my opinion the matters that are being discussed by the Senator from Wisconsin are among the most important in this bill, and it is advisable, in my judgment, that as many Senators as possible should hear the argument. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ball	Gronna	Lodge	Smith, Md.
Bankhead	Harris	McNary	Smoot
Brandegee	Harrison	Nelson	Spencer
Capper	Henderson	New	Sterling
Chamberlain	Hitchcock	Norris	Sutherland
Curtis	Johnson, S. Dak.	Nugent	Thomas
Dial	Jones, N. Mex.	Page	Trammell
Elkins	Keyes	Phipps	Wadsworth
Fletcher	King	Ransdell	Walsh, Mont.
France	Kirby	Sheppard	
Gerry	Lenroot	Smith, Ga.	

Mr. RANSDELL. I wish to announce that my colleague, the junior Senator from Louisiana [Mr. GAY], is absent on the

business of the Senate. I ask that this announcement hold for the remainder of the week.

The PRESIDING OFFICER. Forty-two Senators having answered to their names, there is not a quorum present. The names of the absentees will be called.

The Chief Clerk called the names of the absent Senators.

Mr. KNOX and Mr. STANLEY entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-four Senators have answered to their names. There is not a quorum present.

Mr. NELSON. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. MYERS and Mr. MCKELLAR entered the Chamber and answered to their names.

Mr. POMERENE and Mr. ROBINSON entered the Chamber and answered to their names.

Mr. ROBINSON. Mr. President, in conjunction with the Senator from Minnesota [Mr. KELLOGG], the Senator from Iowa [Mr. CUMMINS], and the Senator from Ohio [Mr. POMERENE], I have been detained from the Senate Chamber on business of the Senate, being engaged in the conference on the railroad bill.

Mr. CUMMINS and Mr. KELLOGG entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty Senators having answered to their names, there is a quorum present.

Mr. LENROOT. Mr. President, further as bearing upon the question which I have been discussing, as to this perpetual franchise, and the suggestions which have been made that there was a protection to the Government against any such perpetual franchise, because the Government, under the bill, has a right to take over the property upon paying for it, or if the Government did not see fit to do so, that a new license might be issued to a new licensee, and that, therefore, there would be sufficient pressure or inducement upon the original licensee to accept any reasonable license that might be tendered by the commission, I stated that I would show the difficulty either of the Government taking it over or a new licensee taking it over upon any reasonable terms.

The bill provides, and very properly, that in taking over the property the licensee shall be entitled to secure the net amount of money that he has invested in the property at the end of the term, and that net investment is arrived at by determining the amount of money properly expended in original construction, the amount of money spent in excess of a fair return that is set aside into amortization reserves and deducted from this original investment; and also there is a deduction of the amount of money that may have been set aside in depreciation reserve but not utilized in keeping up the property. Then it is provided that in no case shall the amount paid exceed the value of the property.

Thus far that is entirely fair to the Government and it is entirely fair to the licensee. But section 14 of the original bill as passed by the House goes far beyond that, and, after providing for the payment of these sums, provides for the payment of "the net investment of the licensee in the project or projects taken, not to exceed the fair value of the property taken plus such reasonable damages, if any, to property of the licensee valuable, serviceable, and dependent as above set forth but not taken as may be caused by the severance therefrom of property taken, and shall assume all contracts entered into by the licensee with the approval of the commission."

So, under the terms of the bill, if the Government takes it over, or a new licensee takes it over, it must pay, first, in addition to every dollar that the original licensee has invested in the property licensed, such severance damages as may be caused by the separation of the property.

That becomes very important in connection with the Senate committee amendment to the section that I have been discussing, section 15, because if they have the right to a license from year to year until the property is taken over, or until they see fit to accept a new license, what will be the measure of the severance damages that they will be entitled to receive under this bill and what would a new licensee be compelled to pay, or the Government be compelled to pay, in addition to the amount of money actually invested by the licensee?

Let us assume, Mr. President, that here is a water-power license under the bill producing, we will say, 5,000 horsepower, and that current is transmitted to a general trunk line on which there are 50,000 horsepower transmitted. But the water power in this particular case, with this Government project, has cost the licensee only $10 per horsepower. The other 50,000 may cost them $20 per horsepower and, therefore, if they must supply the current that is leased by the 5,000-horsepower project that is to be taken from them it will cost them twice as much to furnish it as what they are getting it for under the Government project. So their severance damages under the terms of the bill could well be claimed by them to be the difference between the $10 per horsepower that it cost them under the Government project and the $20 per horsepower that it would cost them under a new steam project, perhaps, and therefore they would very likely claim that their damages by reason of the taking of this property were $50,000 per year, for how many years nobody knows. The severance damages might easily be greater than the entire net investment of the licensee; and would any licensee conceivably take over this property when he had to pay every dollar that was invested in it by the original licensee and, in addition, pay these severance damages, which might run into figures higher than the entire cost of the property? Why should he? How could he? If he has to pay as much for this property as it would cost him to install a steam plant, why should he do it? What possible profit could there be for him in taking it over?

Mr. NELSON. Will the Senator yield?

Mr. LENROOT. I yield to the Senator.

Mr. NELSON. Suppose the paragraph is amended as the Senator suggests—

that in the event the United States does not exercise the right to take over or does not tender a new license * * * to the original or a new licensee.

Suppose the United States does not take it over, and suppose the United States does tender a new license to the original licensee or somebody else, and that is not accepted by anybody. What becomes of the water power then? Suppose the United States does not take over the property, and suppose the United States makes a tender to the Senator from Nebraska and the Senator from South Dakota, one of whom is the original licensee, and the other is not, and suppose neither of them accepts the tender. What, then, becomes of it? Is the power to remain there idle and in abeyance?

Mr. LENROOT. No; it will not remain idle.

Mr. NELSON. Where will it be, then?

Mr. LENROOT. We will see. I will answer the Senator's question. It will be exactly where it is to-day. Seventy-five per cent of the public-utilities franchises of this country are for a term of years, and usually very much shorter terms than the 50 years that is provided in the bill; and at the end of the term their franchise is gone, of course. They can be ordered to take up their tracks, or remove their works, as the case may be. In this case, if they refuse to accept such a license or lease as the Government tendered them at the end of the 50 years, the Government could say to them, "Take the license upon such terms as we believe to be fair and just, or remove your works," and the Senator knows that the works will not be removed, but they will accept such license as the Government of the United States at that time will deem fair and just and equitable.

Mr. NELSON. But the Senator does not answer the question. Suppose they do not accept. Suppose neither the old licensee nor the new one accepts the tender of the Government for a lease. What becomes, then, of the water power?

Mr. LENROOT. The Senator from Wisconsin will not suppose an impossibility, because the Senator from Minnesota probably can not recall, as I can not recall at present, such a case where a franchise has been terminated. He has had many of them in his own State. He has had them in St. Paul and Minneapolis, where franchises have been terminated. But I have yet to know of a case where they removed their works or ceased operation of public utilities. The result was that at the termination of the franchise the public got a little better terms than they did under the original franchise. That was the result of it, and that would be the result of it in this case without a shadow of a question. But if the licensee should refuse to accept such license as may be tendered him by the Government at the end of the 50 years, the Government should then say to him, "You have had this for 50 years under favorable terms. Accept such a license as we deem fair and just, or you can remove your property." But they will never remove the property. That is the answer which always exists in all these cases.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER (Mr. THOMAS in the chair). Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. LENROOT. I yield.

Mr. WALSH of Montana. I am sure the Senator from Wisconsin desires nothing but what is fair and just between the public and the licensees. I would like to inquire of the Senator whether the licensee would not, under such circumstances, be under a very powerful constraint to accept any license that might be tendered?

Mr. LENROOT. He would, and he ought to be.

Mr. WALSH of Montana. That is, he would not be dealing with perfect freedom, because if he did not take the license tendered he would not be entitled, of course, to a license from year to year. He would simply be out of business.

Mr. LENROOT. Certainly.

Mr. WALSH of Montana. And he would not have an opportunity, of course, to recover any portion of the money put into the plant.

Mr. LENROOT. No.

Mr. WALSH of Montana. Then, Mr. President, I desire to inquire of the Senator whether it would not be necessary to take that condition into consideration in fixing the charges for the use of the power during the life of the lease; whether the effect of that would not be naturally to fix a higher rate than otherwise would be fixed, looking practically to the amortization of the plant.

Mr. LENROOT. It might be. That brings me to a consideration of that very subject. I admit that it would be an incentive to exact such rates as would secure amortization of the plant, but the Senator knows that in a vast majority of the bond issues now by water-power companies the bond issue itself provides for a sinking fund creating an amortization fund for the wiping out of the indebtedness at the end of the term.

Mr. WALSH of Montana. I am certain that that is correct, but that is not the theory upon which the bill is drafted.

Mr. LENROOT. Certainly not.

Mr. WALSH of Montana. The theory of the bill is that the property will be taken over by the Government at the end of the 50-year period or by a new licensee, and the original licensee will be reimbursed his net investment, and therefore it will not be necessary to fix charges upon the basis of the amortization of the plant. Notwithstanding the conditions of which the Senator speaks, the bill, as I said, is not framed upon that theory. Otherwise, there would be no provision at all for reimbursement at the end of the 50-year period.

Mr. LENROOT. It does not require amortization, of course.

Mr. WALSH of Montana. No. So if we proceed upon that theory, then we should have no provision in the bill which would necessarily impel the imposition of rates during the period of the license which would contemplate an amortization in that way.

Mr. LENROOT. Not at all, because here is the situation, and we might as well be frank about it. Suppose they have actually amortized the value of the plant at the end of the 50 years, and suppose they actually have paid a handsome return to the stockholders during that entire period, does the Senator say that Congress, when that time comes, ought not to have the right to take that into consideration in its laws providing for the tender of a new license to the licensee?

Mr. WALSH of Montana. The Senator gets into a very controversial frame of mind, when I am simply endeavoring to bring out the different views about the matter. Congress undoubtedly has the right to take that into consideration. If the conditions about which the Senator speaks exist, namely, that such rates have been exacted as not only to pay the investors a good return upon the money, but also to amortize the plant, then the Government should take it over at the end of the 50-year period without paying a dollar. We are assuming that the bill is framed upon the other principle. The bill is framed upon the principle that the plant will not be amortized. Otherwise the provision for recapture must be remodeled. The Senator will certainly agree to that.

Mr. LENROOT. No; the provisions for recapture would not be modified in the least if it is amortized, because it might not be fully amortized, as the Senator can well realize. It might be amortized in part, and it might be that the Congress then would take all those matters into consideration in the laws which it then would enact providing for a renewal of the license.

Mr. WALSH of Montana. The bill does not contemplate at all, as I understand it, the imposition of such rates as will permit of the amortization of the plant. It contemplates that the investor will get his net investment at the end of the period.

Mr. LENROOT. Oh, but that is reduced by such amount——

Mr. WALSH of Montana. I recognize that.

Mr. LENROOT. The bill does contemplate an amortization fund, because it expressly provides for it.

Mr. WALSH of Montana. Of course, if it provides for an amortization fund, then the provision under consideration is equally open to criticism.

Mr. LENROOT. There is this difference in providing for an amortization fund between being extremely liberal at the beginning of the 50-year term, because of the uncertainties and hazards of the term, and at the end of the term being able to say what the actual operation was. Of course, the Senator sees very readily that is a very broad distinction. The license itself might provide for amortization, believing that a very large return would be justifiable under certain circumstances. But at the end of the period it might well be that that was very much more liberal than the facts warranted as they developed during the year. If not, Congress would be prohibited, under the language of the bill as the Senate committee reports it, from taking that into consideration at all in the issuing of a new license.

The point which I am discussing is a matter of some importance. I say that the new licensee will not take the property over under the language of the bill; it can not be conceived that he would in any instance take it over, because he will have to pay in addition to the net investment, upon the theory that the original licensee at the end of the 50-year term has a continuing rate and that he then suffers by the severance of his property of which he had a right to have the emoluments.

Mr. WALSH of Montana. I wish to inquire of the Senator whether it ought not to be possible and whether would it not be desirable to frame this portion of the bill so that the original licensee would be without constraint at the end of the 50-year period just the same as the new licensee would be without any constraint?

Mr. LENROOT. How would the Senator do it?

Mr. WALSH of Montana. I have not given it any thought yet, but I inquire of the Senator whether it would not be desirable to make it so, and is it desirable from any point of view to have it so framed that the licensee must take whatever is tendered to him or suffer what he believes is a serious loss?

Mr. LENROOT. I do not think there is anything unjust at the end of a 50-year term in saying to a licensee that he shall accept such license as the Government under the laws then existing deems fair or remove his property, because we either have to give the advantage to the licensee or to the Government, and as between the two I say if there must be an advantage the advantage ought to lie with the Government.

Mr. WALSH of Montana. The Senator takes that position, and I agree with him that it should lie with the Government; but considering the matter from the standpoint of the public interest, why should we take that attitude? We say to the man either take the terms that we tender or the property will lie idle and it will go to waste. It will not be utilized at all and the community will not have the benefit of the operation of the property unless he takes exactly the terms that we propose, which he thinks are entirely unfair. I can not believe that the Senator's sense of justice will quite approve of that.

Mr. LENROOT. I know the Senator has given a great deal of attention to this subject, as I have, and if he can suggest any phraseology that will put the Government and the licensee upon an equality, I shall be glad to welcome such a suggestion.

Mr. WALSH of Montana. I shall endeavor to do so.

Mr. LENROOT. I have been struggling with the question for a great many years, and I have never yet seen a suggestion where the advantage was not given to the licensee instead of to the Government.

Mr. WALSH of Montana. I can not agree with the Senator about that because he knows that there have been two camps contending in the matter. I quite agree with him that suggestions from certain sources have always been, as I have observed and as he has, favorable to the licensee, but there has been another camp which has been, as I think, sometimes quite unreasonable also in the provisions that they seek to insert in legislation of this character.

Mr. LENROOT. When the Senator offers, if he will be so good as to offer, an amendment which will put them upon an equality I assure him that I shall be very glad to consider it, but I think he will find great difficulty in framing any amendment to the bill that does not give either the Government or the licensee the advantage.

Mr. WALSH of Montana. I take this occasion to say that my own judgment about the matter is that the expression "on such reasonable terms" is entirely impracticable.

Mr. LENROOT. I agree, of course.

Mr. NELSON. Will the Senator yield?

Mr. LENROOT. Certainly.

Mr. NELSON. I desire to call attention to the fact that the proviso is worded as the Senator wants it—that in the event the United States does not exercise the right to take over or does not tender a new license to the original or a new licensee. Now, the Government need not tender it to the original licensee under that provision. The Government is absolutely left free to freeze out the original corporation. It need not make a tender even to that company. It can make it to a new licensee under the terms of the bill and utterly ignore the old company. If the Government tenders it to anybody else outside of the original corporation, tenders it to A, B, C, or D, just makes a tender, whether the tender is accepted or not, then the thing lapses.

Mr. LENROOT. I stated to the Senator from Montana some time ago that I would have no objection to an amendment providing that in the case of a new licensee it should be accepted by the licensee or a tender made to the original licensee in order to entitle him to a license from year to year, but the difficulty, as the Senator well knows, with the language of the amendment is that unless a tender is made to the original licensee which is accepted, he gets his license from year to year, and it may go on forever and will go on forever, because, as I have just been trying to show, a new licensee will never take over the property under the terms of the bill.

Mr. FLETCHER. Will the Senator allow me to insert in the RECORD, in my own time, with his permission, the paragraph in the report bearing on the amendment to section 15? It is not a long paragraph, and deals with the subject of the amendment to section 15. If the Senator has no objection, I should like to have it inserted in the RECORD.

Mr. SMOOT. It would be better to have it read now.

Mr. FLETCHER. It is not very long, and I will read it:

> The amendment to section 15, providing that the license tendered in case the United States does not exercise the right to take over the works shall be "on reasonable terms" and "which is accepted" by the original or the new licensee is deemed necessary in the interest of development. This legislation will be useless if capital will not invest under it. It will not do so unless it is reasonably certain of the return of its investment if the works are taken over. It is the opinion of practically all those acquainted with investments of this kind that this language is necessary to insure the investment of capital in these great and much-needed enterprises. The interests of the Government and the public are not impaired. The works must be continued in operation at the end of 50 years in order that the industries created by them and dependent upon them may not suffer. Private capital should not be required to do this upon unreasonable terms, nor should its property be confiscated. Under this provision, if the new license is not accepted, the works will be carried on under the original license from year to year, with the Government free to take it over at any time that it may be prepared to do so or to turn it over to a new licensee upon terms that can be agreed upon. In other words, the Government is free to do what it may desire to do, capital is reasonably sure of the return of its investment, and the public is assured permanent service under its own regulative agencies.

Mr. LENROOT. I am very glad the Senator put that paragraph in the RECORD. It has been some time since I read the report, and that particular paragraph had escaped my notice. I am glad he put it in the RECORD, because it fully sustains my position. Let me again read a part of what the Senator read from the report:

> Under this provision, if the new license is not accepted, the works will be carried on under the original license from year to year, with the Government free to take it over at any time that it may be prepared to do so or to turn it over to a new licensee upon terms that can be agreed upon.

Exactly what I have contended for throughout this discussion, that here is a perpetual license, if the Senate committee amendments be adopted, unless the Government itself either takes the plant over or a new licensee can be found who will take it over, paying the same money that the Government will be compelled to pay for it.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER (Mr. JOHNSON of South Dakota in the chair). Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. LENROOT. I yield to the Senator from Montana.

Mr. WALSH of Montana. Another thought has suggested itself to me, if the Senator will pardon a further interruption. On reflection, I believe that no amendment is necessary; I believe that the matter is well taken care of by the bill as it came from the other House without the provision that has given rise to this discussion. On reflection, I think the constraint about which I spoke probably would not exist. This contemplates that the Government does not want to take the property over; it contemplates that no new lessee comes forward who is willing to take it on the terms proposed by the Government. Undoubtedly industry will be dependent upon the power that has been developed; in many instances great communities will be dependent upon the industries. The Government will, of course, be under some kind and measure of constraint to keep the plant going and will be under an obligation to those who are dependent upon the power to tender a lease so reasonable in its terms as will reasonably insure its acceptance. Then, on the other hand, the original lessee will know that unless he does accept what is tendered, the best he can get will be a lease from year to year and that the property may go to a new lessee at any time, and thus he would be cut off. He will, therefore, be under some measure of constraint to accept the lease which is proposed. So I believe that these conflicting considerations will so operate as to compel the Government to tender a reasonable lease and will equally operate to compel the original lessee to accept whatever reasonable lease is tendered to him. Accordingly I do not think that there is any particular occasion for changing the language of the House bill.

Mr. LENROOT. I am very glad to hear the Senator say that, although I think the Senator will agree with me that there ought not to be any doubt concerning the meaning of the word "issue." It has been assumed that "issue" and "tender" were synonymous terms, and the amendment should be adopted so as to make it clear. Certainly we do not want to go into the courts upon that proposition.

Mr. WALSH of Montana. I again suggest to the Senator that the word "tender" should not be applied to a new licensee.

Mr. LENROOT. No; I understand that. I was not referring to that.

Mr. WALSH of Montana. Accordingly I suggest that the language read "does not issue a license to a new licensee or tender a new license to the original licensee."

Mr. LENROOT. That would be correct. I certainly would agree with the Senator's view upon that.

Mr. SMOOT. Mr. President——

Mr. LENROOT. I yield to the Senator from Utah.

Mr. SMOOT. Mr. President, I have listened to what has been said by the Senator from Montana [Mr. WALSH] with a great deal of interest, but I certainly can not understand the provisions of the bill as construed by the Senator. The object of this legislation is the development of power sites and power plants to furnish power to all parts of the country in which power plants can be successfully established.

In the first place, we have got to pass a law that the people furnishing the money for the establishment of such plant, not 50 years hence but to-day, will feel safe in the investment which they make; and I think if the pending amendment is not agreed to the provisions of the bill will be such that it will be very difficult, indeed, to get any financial assistance in the United States to install power plants under it.

I think this is one of the vital phases of the bill. I do not care how good the legislation may be and how necessary it is for the development of water power—and so far as the provisions of the bill are concerned there are other things in it that I do not like at all, as to which I am perfectly willing to yield my judgment in order to get some kind of a workable bill so that every power site in the United States upon the public lands may be developed—but there is no need of framing the bill in such a manner that it will be impossible to secure the necessary money in order to develop the power plants. I think without the amendment now under discussion, which has been reported by the committee, it will be impossible to finance the projects that are contemplated to be established in this country.

I thank the Senator from Wisconsin.

Mr. LENROOT. Mr. President, in reply to the Senator from Utah, I merely wish to say in reference to the conference report which failed at the last session, that we were then informed by those favoring the legislation that they were satisfied that the money could be obtained to develop the contemplated water-power plants. There was then no thought that the grant of any perpetual franchises was necessary.

Certainly, Mr. President, if we have got to the point where it is necessary to give away forever the one great resource which we have in this country which can be of benefit to the people in order to get development, we had better be a little slow in passing legislation for that purpose. If that is the price we have got to pay for private development of water power in this country we had better develop it by the Government itself.

Mr. President, I understand the Senator from Minnesota [Mr. NELSON] desires that there be a short executive session, and, as I can not conclude to-day, I shall now yield the floor.

Mr. SMOOT. Mr. President, I do not desire to be understood as stating or even intimating that the amendment which has been offered to the House provision which is now under consideration has in any way a tendency to give away the resources of this country. I do not care whether the Government develops the property or whether it is developed by private initiative and private capital; development will not be undertaken, in my opinion, when upon the face of the act the person or company proposing to furnish the money sees there is no chance of getting the money back. That is just as certain as we live. I think that the provision with the amendment guards every interest of the Government. I can not see that the Government has one chance in ten million of losing anything under the provisions of the amendment to the House bill; but it does hold out a hope, at any rate, to the man who puts up the money that at the end of 50 long years there shall be at least a new license issued upon reasonable terms; and who would want a license otherwise? Who is to decide the terms? It is all in the hands of the Government, and, if this scheme lasts, will be in its hands for 50 years. I think that we ought,

at least, if we are going to enact legislation of this character, so word it that we will feel fairly certain that some kind of action will be taken under the law.

Mr. MYERS. Mr. President, if the Senator will permit me to occupy a moment or two, I have been listening with some interest to the views of the Senator from Wisconsin [Mr. LENROOT]. I understand he objects to the amendment, on line 19, page 26, which would insert the words "on reasonable terms," being an amendment offered by the committee. It occurs to me that if those words were not in the provision it would be in the power of the Government to refuse to take over a project at the end of 50 years and to tender a new license so prohibitive and on such unreasonable terms that no one would have it. Then the licensee under the original license would have no power on earth of getting a permit from year to year to conduct the plant which he had erected, but would simply be at the mercy of the Government or anybody who came along and made an offer for the property, and would stand a chance of sacrificing everything that had been put into the plant. I do not believe under those conditions that we could find anybody willing to invest a dollar in a project of this kind. Unless there is some chance of getting the money back at the end of 50 years or getting a continuation of the lease on reasonable terms or getting a license from year to year, I do not believe anybody would ever think of engaging in an enterprise under the bill.

Mr. NELSON. I move that the Senate proceed to the consideration of executive business.

REPORT OF RECLASSIFICATION COMMISSION.

Mr. JONES of New Mexico. Mr. President, will the Senator withhold his motion for a little while in order that I may bring to the attention of the Senate a resolution which I should like to have passed relating to the report of the Reclassification Commission?

Mr. NELSON. Very well. I ask unanimous consent that the unfinished business be temporarily laid aside.

Mr. SMOOT. I will assure the Senator from Minnesota that the resolution referred to by the Senator from New Mexico can not be adopted to-night, but if it is desired to have it taken up, very well.

Mr. NELSON. Then I insist on my motion. The Senator from Utah says that it will be impossible to finish the consideration of the resolution to-night.

Mr. JONES of New Mexico. Mr. President, if the Senator from Utah desires to discuss the resolution at length, of course I am perfectly willing that he shall have an opportunity to do so, but it is important that the resolution should be considered by the Senate. If the Senator from Utah desires that the Senate shall close its labors to-day at the present time, I am perfectly willing that the consent just asked by the Senator from Minnesota may be granted, and that we may take up the matter to-morrow.

Mr. SMOOT. Mr. President, I do not know just how long I wish to discuss the resolution. I have about come to the conclusion that I will make my statement and then allow the Senate to vote upon the matter, but I do wish the Senate to understand what it means and what is going to follow from the passage of the resolution and from previous legislation which has been enacted upon this subject. I will say to the Senator from New Mexico that so far as I am personally concerned I could not get through to-night with what I have to say on the resolution.

Mr. JONES of New Mexico. Then will the Senator consent that to-morrow the bill now before the Senate may be temporarily laid aside and the resolution to which I have referred be taken up for consideration?

Mr. SMOOT. I think the Senate ought to adjourn to-night and allow morning business to be taken up to-morrow, and during the morning hour I have no objection whatever to the resolution of the Senator from New Mexico being brought up.

Mr. JONES of New Mexico. I presume that will be the most acceptable course, and I shall not press the matter further at this time, but will ask at the conclusion of the morning business to-morrow morning that the resolution be taken up.

EXECUTIVE SESSION.

Mr. NELSON. I renew my motion.

The VICE PRESIDENT. The question is on the motion of the Senator from Minnesota that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 6, 1920, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 5, 1920.

ASSISTANT ATTORNEY GENERAL.

Francis P. Garvan, of New York, to be Assistant Attorney General.

UNITED STATES ATTORNEYS.

Rinehart F. Roth, of Alaska, to be United States attorney, district of Alaska, division No. 4.

Miles M. Martin, of San Juan, to be United States attorney, district of Porto Rico.

UNITED STATES MARSHAL.

Thomas J. Flynn, of Omaha, to be United States marshal, district of Nebraska.

NAVAL OFFICER OF CUSTOMS.

Frank J. Walsh, of Chicago, Ill., to be naval officer of customs, district No. 39.

COLLECTOR OF INTERNAL REVENUE.

John J. Mitchell, of Boston, to be collector of internal revenue, third district of Massachusetts.

SURVEYORS GENERAL.

Frank P. Trott, of Arizona, to be surveyor general of Arizona.

Gilman Bullard, of Helena, Mont., to be surveyor general of Montana.

REGISTERS OF LAND OFFICES.

George M. Dameron, of Colorado, to be register of land office at Pueblo, Colo.

Myron W. Hutchinson, of Montana, to be register of land office at Havre, Mont.

PROMOTIONS IN THE NAVY.

The following-named lieutenants to be lieutenant commanders in the Navy, for temporary service, from the 1st day of July, 1919:

Stuart E. Bray and
Leonard R. Agrell.

The following-named lieutenants (junior grade) to be lieutenants in the Navy, for temporary service, from the 1st day of July, 1919:

Clarence A. Hawkins,
Otto H. H. Strack,
Horatio S. Ford, and
John E. Warris.

The following-named ensigns to be lieutenants (junior grade) in the Navy, for temporary service, from the 1st day of July, 1919:

Richard Monks,
John H. Wolters,
Clarence E. Young,
Raymond C. Hunt,
Arthur H. Daniels,
William H. Ryan, jr.,
Richard B. Fuller, and
Martin J. Jukick.

The following-named officers of the United States Naval Reserve Force to be assistant surgeons in the Navy, with the rank of lieutenant (junior grade), for temporary service, from the 1st day of August, 1919:

William E. Smith and
Alfred L. Gaither.

The following-named lieutenants to be lieutenant commanders in the Navy from the 1st day of July, 1919:

Harold M. Bemis,
Harold V. McKittrick,
Grattan C. Dichman, and
George N. Barker.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 7th day of June, 1919:

Paul A. Stevens,
Kenneth R. R. Wallace,
Edward J. O'Keefe, and
William W. Meek.

Lieut. (Junior Grade) Frank B. Conger, jr., to be a lieutenant in the Navy from the 1st day of July, 1919.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 3d day of June, 1919:

Conrad A. Krez,
Donald M. Carpenter,
Arthur W. Redford,
Louis R. Vail,
Samuel P. Ginder, and
James P. Compton.

The following-named lieutenants on the retired list of the Navy to be lieutenant commanders on the retired list of the Navy from the 7th day of December, 1919:

Ernest A. Swanson,
Francis G. Blasdel, and
Virgil Baker.

Acting Chaplain Edward A. Duff to be a chaplain in the Navy, with the rank of lieutenant (junior grade), from the 1st day of March, 1919.

Pay Clerk Walter T. Cronin to be a chief pay clerk in the Navy from the 3d day of June, 1919.

Commander Frank E. Ridgely to be a captain in the Navy, for temporary service, from the 6th day of August, 1919.

Commander Wilbur G. Briggs to be a captain in the Navy, for temporary service, from the 17th day of August, 1919.

Commander Frederick J. Horne to be a captain in the Navy, for temporary service, from the 23d day of September, 1919.

Commander Daniel P. Mannix to be a captain in the Navy, for temporary service, from the 25th day of September, 1919.

Commander Benuaurd B. Wygant to be a captain in the Navy, for temporary service, from the 20th day of October, 1919.

The following-named lieutenant commanders to be commanders in the Navy, for temporary service, from the 21st day of July, 1919:

Gilbert P. Chase and
Walter E. Whitehead.

Lieut. Commander Leo Sahm to be a commander in the Navy, for temporary service, from the 1st day of August, 1919.

Lieut. Commander Charles H. Shaw to be a commander in the Navy, for temporary service, from the 6th day of August, 1919.

Lieut. Commander Leigh M. Stewart to be a commander in the Navy, for temporary service, from the 11th day of August, 1919.

Lieut. Commander Alexander S. Wadsworth, jr., to be a commander in the Navy, for temporary service, from the 17th day of August, 1919.

Lieut. Commander Stuart W. Cake to be a commander in the Navy, for temporary service, from the 27th day of August, 1919.

The following-named lieutenant commanders to be commanders in the Navy, for temporary service, from the 23d day of September, 1919:

Albert C. Read and
William F. Newton.

Lieut. Commander William C. Barker, jr., to be a commander in the Navy, for temporary service, from the 25th day of September, 1919.

Lieut. Commander Richard R. Mann to be a commander in the Navy, for temporary service, from the 20th day of October, 1919.

Lieut. Robert D. Kirkpatrick to be a lieutenant commander in the Navy, for temporary service, from the 20th day of July, 1919.

The following-named lieutenants to be lieutenant commanders in the Navy, for temporary service, from the 21st day of July, 1919:

David R. Lee and
Harold P. Parmelee.

Lieut. Rawson J. Valentine to be a lieutenant commander in the Navy, for temporary service, from the 1st day of August, 1919.

Lieut. Frank Hindrelet to be a lieutenant commander in the Navy, for temporary service, from the 6th day of August, 1919.

Lieut. August Schulze to be a lieutenant commander in the Navy, for temporary service, from the 11th day of August, 1919.

Lieut. Ralph Martin to be a lieutenant commander in the Navy, for temporary service, from the 17th day of August, 1919.

Lieut. Frank G. Kutz to be a lieutenant commander in the Navy, for temporary service, from the 27th day of August, 1919.

Lieut. Maxwell Case to be a lieutenant commander in the Navy, for temporary service, from the 23d day of September, 1919.

Ensign Samuel E. McCarty (SC), United States Naval Reserve Force, to be an assistant paymaster in the Navy, with the rank of ensign, for temporary service, from the 1st day of September, 1919.

The following-named officers of the United States Naval Reserve Force to be assistant surgeons in the Navy, with the rank of lieutenant (junior grade), for temporary service, from the 15th day of December, 1919:

Carroll H. Francis,
Emil J. Stelter,
Daniel E. Fay,
James Humbert,
Thomas H. Taber,
John B. O'Neill,
Joseph B. Logue,
Harvey W. Miller,
Joseph F. Lankford,
Clement Fischer,
John F. Daly,
Berman Dunham,
Francis E. Tierney,
Harry H. Jackson, jr.,
Frederick R. Haselton,
Terry A. Walter,
James D. Clement,
Hubert R. Stiles,
Roy R. Losey,
Jesse D. Jewel,
Rudolph B. Watson,
Frank W. Quin,
William H. O'Connor,
Soloman J. Chapman,
Leo B. Cohenour, and
Edward J. Carlin.

The following-named officers of the United States Naval Reserve Force to be assistant dental surgeons in the Navy, with the rank of lieutenant (junior grade), for temporary service, from the 15th day of December, 1919:

Paul E. Schwartz,
Berton F. Sweeney,
Francis R. Hittinger,
Richard J. O'Donnell,
Max Cohen,
Allen H. Hetler,
George L. Reilly,
William H. Wood,
Francis J. Long,
Fred W. Mitchell,
Leslie T. Conditt,
Carl E. Hall,
Richard J. O'Donnell,
Max Cohen,
Fred W. Mitchell,
Peter F. Groden,
Edwards S. Talbott, jr.,
Alexander L. Keltie,
Francis J. Long,
Arthur V. Jolliffe,
Justin W. Bourquin, and
Charles A. Tiley.

The following-named officers of the United States Naval Reserve Force to be assistant surgeons in the Navy, with rank of lieutenant (junior grade), for temporary service, from the 15th day of December, 1919:

James F. Terrell,
Donald M. Harlor, and
Harry C. Blair.

Boatswain Roy J. Jennings to be a chief boatswain in the Navy, for temporary service, from the 1st day of September, 1919.

Lieut. Col. William B. Lemly, assistant quartermaster, to be an assistant quartermaster in the Marine Corps, with the rank of colonel, from the 11th day of December, 1919.

Maj. Henry L. Roosevelt, assistant quartermaster, to be an assistant quartermaster in the Marine Corps, with the rank of lieutenant colonel, from the 11th day of December, 1919.

Capt. Clayton B. Vogel to be a major in the Marine Corps from the 12th day of July, 1919.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 5, 1920.

PROMOTIONS AND APPOINTMENTS IN THE ARMY.

To be major generals.

Joseph T. Dickman.
James G. Harbord.
Francis J. Kernan.

To be brigadier generals.

Henry P. McCain.
James H. McRae.
William S. Graves.
Frank T. Hines.

CORPS OF ENGINEERS.

Charles Keller to be colonel.
Thomas H. Jackson to be lieutenant colonel.
Cleveland C. Gee to be major.

CAVALRY ARM.

To be lieutenant colonels.

Mortimer O. Bigelow.
August C. Nissen.
Clyde E. Hawkins.
James S. Parker.

To be captains.

Arthur S. Harrington.
Frank L. Whittaker.
Philip H. Sherwood.
Donald S. Perry.
Thomas S. Poole.
Frederick R. Lafferty.
Carl H. Strong.
Arthur T. Lacey.
David W. Craig.
Edmund M. Barnum.
Thomas A. Dobyns, jr.
John T. Minton.
Edward S. Bassett.
Edward F. Shaifer.
George M. Peabody, jr.

To be first lieutenants.

Frank R. McKay.
Ashley H. Conard.
Ralph C. Thomas.
George S. Warren.
John M. Lile.
Harold S. Thurber.
Arthur T. Huston.
Raymond S. Jett.
Lewis B. Angel.
Jack R. Burke.
William H. Little.
Roger E. Williams.
George J. Waggner.
Frank R. Baker.
Deane C. Howard, jr.
Gibbes Lykes.
William J. Egan.
Redding F. Perry.
Marcellus C. Stockton, jr.
Lawrence Patterson.
Samuel G. Stewart.
Charles H. Espy.
Warren H. McNaught.
Herbert N. Odell.
Roy E. Craig.
Early E. W. Duncan.
Edward M. Daniels.
Philip R. Upton.
Winfield C. Scott.
Theodore K. Rothermund.
George E. Heidenreich.
Ray D. Willson.
Donald T. Nelson.
Chevy Chase.
Chester L. Conlon.
Lee T. McMahon.
William McC. Peeples.

FIELD ARTILLERY.

To be colonels.

Henry W. Butner.
Henry L. Newbold.

To be lieutenant colonels.

William I. Westervelt.
Upton Birnie, jr.
Clarence Deems, jr.

To be majors.

Carroll W. Neal.
Donald C. Cubbison.
Jacob A. Mack.
Louis H. McKinlay.

To be captains.

Solomon F. Clark.
Augustus M. Gurney.
Oliver B. Cardwell.
William O. Butler.
Rex W. Beasley.

To be first lieutenants.

Henry W. Holt.
Clarence P. Townsley.
James H. Roemer.
John Mesick.
George B. McReynolds.
Frederick A. Stevens.
Harrison Shaler.
Edmund W. Searby.
Roger M. Wicks.
Hugh A. Palmer.
George V. Keyser.
Homer W. Blair.
Lawrence B. Bixby.
Harry Crawford.
William W. Webster.
John H. Hinds.
William P. Blair.
William J. Espes.
Roland MacGray.
Robert J. Horr.
Paul L. Deylitz.
Leo M. Kreber.
Edwin L. Sibert.
O'Ferrall Knight.
Charles C. Blanchard.
Paul E. Hurt.

COAST ARTILLERY CORPS.

To be colonel.

James M. Williams.

To be captains.

Vincent B. Dixon.
Wilmer S. Phillips.
Edgar H. Underwood.
Howard S. Thomas.
Paul H. French.
Horace L. Whittaker.
Edgar Nash, jr.

To be first lieutenants.

James M. Gillespie.
Milo B. Barragan.
Oscar A. Axelson.
Joseph S. Robinson.
James F. Pichel.
Roy D. Paterson.
John L. Hanley.
Albert E. Marks.
John A. Weeks.
Fred W. Gerhard.
Jacob G. Sucher.
Howard H. Newman, jr.
Ernest L. Stephens, jr.
Nevins D. Young.
Benjamin F. Manning.
Paul W. George.
John M. Moore.
Joseph C. Kilbourne.
Richard A. Ericson.
Arthur E. Mickelsen.
Paul B. Kelly.
Ward E. Becker.
Amory Oliver.
James B. C. Siske.
Clarence W. Dresser.
William W. Murphey.
Earl Hendry.
Frank H. Hastings.
Joseph H. Gilbreth.
Harold A. Packard.
Raymond M. Richardson.
Harold G. Archibald.
Edward G. Cowen.
Kenyon P. Flagg.
Charles M. Black.
Joseph B. Hafer.
Walter H. Rice.
Thomas H. Healy.
Henry A. Harkins.
Daniel H. Hoge.
Reamer W. Argo.
Edward L. Supple.
Fred B. Hanchette, jr.
Samuel McCullough.
Mahlon M. Read.
Allen F. Grum.
Donald W. Campbell.
Bernard C. Dailey.
Eugene T. Conway.

John W. Leavitt.
Clarence S. Babbitt.
Robert S. Lewis.
Robert E. De Merritt.
James F. Powell.
William D. Hohenthal.
James R. Lowder.
Robert J. Miskovsky.
John T. Schneider.
Willard W. Scott.
Harold Deas.
Edwin P. Hart.
Harold S. Macomber.
Leonard L. Davis.
Harold L. Stiebel.
Webster F. Putnam, jr.
Merle H. Davis.
Frank S. Hubbard.
George B. Dobyns.
Henry D. Cassard.
Louis A. Williford.
Percy S. Lowe.
Maury L. Webster.
Claud T. Gunn.
Leon A. White.
Phillips W. Loomis.
Ephraim P. Jolls.
John W. Callahan.
Alan Fuller Cameron.
Walter L. McCormick.
Robert M. Chase.
Lyman C. Rafferty.
Arnold D. Amoroso.

To be second lieutenant.

John H. Madison (Infantry).

INFANTRY.

To be colonels.

La Roy S. Upton.
Harry A. Smith.

To be lieutenant colonels.

Louis M. Nuttman.
Glenn H. Davis.
Benjamin T. Simmons.
Girard Sturtevant.
Louis H. Bash.
Frank B. Watson.

To be majors.

Robert E. Grinstead.
Albert S. Williams.
William B. Graham.
Charles J. Nelson.
E. Alexis Jeunet.

To be captains.

John A. Stewart.
Francis G. Bonham.
Norman D. Cota.
Robert B. Ransom.
Carleton Coulter, jr.
James H. Frier, jr.
Leo J. Erler.
Robert D. Newton.
Willis R. Slaughter.
George H. Weems.
Roy L. Bowlin.
William C. McMahon.
Francis M. Brennan.
Milton B. Halsey.
Charles L. Mullins, jr.
Thomas S. Sinkler, jr.
Sterling A. Wood, jr.
William F. Redfield.

To be first lieutenants.

Paul S. Beard.
Norman B. Chandler.
Richard O. Welch.
Roswell H. Bill.
Wright H. Johnson.
George W. Clover.
Donald B. Doan.
Edwin A. Smith.
Harvey G. Thomas.
Richard Grant.
Floyd C. Harding.
Rolfe S. Sample.
Wesley C. Thompson.
Percy L. Sadler.
George L. Morrow.
William C. Rymer.
Henry F. Martin.
Alan G. Paine.
Hugh C. Courtright.
Evan M. Sherrill.
James W. Arnold.
Bernard F. Hurless.
Raymond M. Heckman.
Francis R. D. Holran.
Harold T. Gallager.
John H. Hilldring.
William J. Davis.
Emory A. Peek.
William D. McMillin.
Arthur B. Wade.
James G. Kyle.
John H. Rodman.
William D. Powell.
Samuel J. Cole.
Louis P. Tiers.
James F. Smith.
William C. Louisell.
Edward R. White.
Jesse E. Whitt.
William E. Goe.
William L. Ritter.
Robert W. Patterson.
Ellis DeV. Willis.
Charles H. Sears.
Druid E. Wheeler.
Charles R. Lugton.
Michael J. Perret.
Stewart E. Reimel.
Douglas P. Newell.
Kendall J. Fielder.
Frederick P. Geyer.
William C. De Ware.
Hugh D. Adair.
Reginald R. Bacon.
James D. Tucker.
Russell C. Snyder.
David B. Van Pelt.
Harvey A. Tonnesen.
William H. Emerson.
George E. Cook.
Eugene H. Mitchell.
Leslie H. Blank.
Donald S. Grimm.
Benton L. Boykin.
Walter M. E. Sullivan.
Kamell Maertens.
Allan J. Kennedy.
Clifton R. Gordon.
Martin L. Howard.
Leo J. Farrell.
Walter S. Wood.
Frank O. Stephens.
William H. Quarterman, jr.
Benjamin B. Bain.
Ira C. Eaker.
Stanton L. Bertschey.
Romeyn B. Hough, jr.
Joseph R. Bibb.
Cheney L. Bertholf.
William C. Glass.
Harry L. Franklin.
Robert E. L. Cook, jr.
Grahame M. Bates.
Donald L. Bressler.
Walter E. Lauer.
Albert H Dumas.
Paul S. Jones.
Paul T. Baker.
Robert P. Bell.
Harold W. Keller.
Edwin W. Piburn.
William H. Clark, jr.
Kenneth S. Whittemore.
Mack M. Lynch.
Frank H. Partridge.
Franklin K. Kennedy, jr.
Robb S. MacKie.

Derrill deS. Trenholm.
John S. M. Cromelin.
Michael E. Halloran.
Idwal H. Edwards.
Paul J. Vevia.
James B. Smith.
Paul Steele.
Fred T. Marsh.
Luther N. Johnson.
Stanley A. Anderson.
Robert E. Cummings.
Philip G. Carroll.
Harry F. Schoonover.
Louis S. Stickney.
Tarlton F. Parsons.
James L. Dikes.
Ben C. McComas.
Kenneth B. Gunn.
Maurice G. Stubbs.
Boniface Campbell.
Cyril K. Richards.
Archibald A. Fall.
Vernon W. Aikins.
Frank R. Schucker.
John W. Cunningham.
John L. Davey.
William G. Wilson.
James R. Lowry.
Henry O. Swindler.
Haskell Allison.
Bruce G. Kirk.
Davis Jones.
Russell Skinner.
John H. Randolph.
Norris A. Wimberly.
Lloyd L. Boughton.
Walter A. Elliott.
John A. Klein
Arthur H. Luse.
Clayton S. Whitehead.
William A. Swift.
John E. Grose.
Robert C. Wright.
Everett L. Rice.
Lawrence A. Kurtz.
Martin S. Chester.
William C. Samford.
Harry Reichelderfer.
Samuel F. Cohn.
Alexander R. Bolling.
Duncan T. Boisseau.
James L. Garza.
Walter B. Davis.
John D. Chambliss.
Lewis C. Beebe.
John A. Rodegrs.
George J. Kilgore.
Edward H. Connor.
Thomas N. Stark.
Paul W. Beck, jr.
Hiram W. Tarkington.
Talley D. Joiner.
Lester H. Barnhill.
Sterner St. P. Meek.
Julian V. Link.
Kenneth B. Johnson.
Elbert A. Nostrand.
Herbey A. Tribolet.
Robert B. Ennis.

To be second lieutenant.

Adna C. Hamilton (Coast Artillery Corps).

MEDICAL CORPS.

To be first lieutenants.

Leonard Philip Bell.
Elmer Seth Tenney.
Omar Richard Sevin.
Rae Ellsworth Houke.
John Glenwood Knauer.
Joseph Rogers Darnall.
Samuel Carlton Gwynne.
Forrest Ralph Ostrander.
William Otis Callaway.
Joseph Francis Gallagher.
Joel Adams Tilton.
William Young Hollingsworth.
Paul Moyer Patterson.
William Kenneth Turner.
Edwin Leland Brackney.
Harold Wade Kinderman.
Chauncey Elmo Dovell.
Irving Samuel Startz.
August John Pacini.
Roy Farrington Brown.
Henry Jackson Hayes.
Victor Luman Rocho.
Carl Benjamin De Forest.
Hugh Max Bullard.
Brooks Collins Grant.
Frank Walker Young.
William Samuel Prout.
Clark Ansen Wilcox.
Millard Ferdinand Smith.
Milner Hubbard Eskew.
Alexander Mileau, jr.
James Neal Williams.
Leland Elder Dashiell.
Gilbert Seymour Osincup.
Edwin Raymond Strong.
Charles Alexander Bender.
Rufus Leroy Holt.
Carl Herman Graf.
William Hervey ReMine.
Samuel Demetrius Avery.
Edward Athelstane Casserly.
Ralph Ellis Murrell.
James Marye Odell.
David Oscar Nathaniel Lindberg.

DENTAL CORPS.

To be first lieutenants.

Page Purnell Albert Chesser.
Ralph Eugene Morgan.
Joseph Aloysius Murray.
Clarke Wayne Russell.
Joseph Hayden Jones.
Forest Vernon Bockey.
James Lawrence Olsen.
Glenn Dale Lacey.
Harold Snell Whitney.
Alexander MacKenzie Telfer.
Egbert Wesley van Delden Cowan.
Clyde Wakefield Scogin.
Beverley Morrison Epes.
Warren Charles Caldwell.

PROMOTIONS AND APPOINTMENTS IN THE REGULAR ARMY.

Wallace H. Watts to be captain.

SIGNAL CORPS.

Daniel J. Carr to be colonel.
Alfred T. Clifton to be lieutenant colonel.

CAVALRY.

To be first lieutenants.

John P. P. Eckert.
Phillip B. Shotwell.
Ralph E. Ireland.
Bryan L. Davis.
Emerald C. Robbins.
Howard D. Lee.

COAST ARTILLERY CORPS.

Alston Hamilton to be colonel.

INFANTRY ARM.

To be colonels.

Palmer E. Pierce.
Charles G. French.

To be lieutenant colonels.

Oscar J. Charles.
Thomas A. Pearce.
Robert H. Allen.

To be major.

Charles H. Danforth.

To be first lieutenants.

Levie W. Foy.
Wilbur H. Vinson.
John C. Blizzard, jr.
Howard Clark, jr.
Thomas E. Clark.
Thomas L. Urquhart.
Robert I. Stack.

Paul W. Warren.
John Huling, jr.
Orryl S. Robles.
Horace K. Heath.
Harry R. Evans.
Bartholomew R. De Graff.
George LaF. O'Connor.
Harold N. Gilbert.
Charles E. Rust.
Joseph B. Thompson, jr.
William A. Collier.
John H. Atkinson.
Archibald M. Mixson.
Albert G. Wing.
William F. Rehm.
Edward N. Fay.
John F. Lancaster, jr.
Thomas G. Cherry.
George C. Nielsen.
Raymond G. Sherman.
Errol E. Crouter.
Earl C. Horan.
William J. H. Ryan.
Coleman F. Driver.
Wallace W. Millard.
Robert M. Burrowes.
Walter W. von Gremp.
Kie Doty.
Albert E. Holleman.
George H. Ferguson.
Arthur G. Hutchinson.
Owen G. Smith.
Norman M. Nelsen.
Harvey L. Littlefield.
Roy N. Hagerty.
Ronald L. Ring.
Alfred T. Wright.
John A. Andrews.
George A. Lockhart.
Robert W. Miller.
Mark M. Potter.
James J. Pirtle.
Alfred E. Dedicke.
George F. Macdonald.
Richard O. Bassett, jr.
Jerome H. Joyce, jr.
Harry Boissonnault.
Arnold R. C. Sander.
Ceryl B. Godfrey.
Stanley M. Prouty.
William H. Thomas.
Wilbur E. Bashore.
Harold Head.
William H. Crampton.
Walter W. Boon.
Hugh McC. Evans.
Michael J. Mulcahy.
Harold S. Wright.
Lois C. Dill.
Edward J. Maloney.
Richard A. Jones.
Lloyd D. Yates.
Clarence O'Leary.
Hugh Barclay.
Lawrence W. Jenkinson.
Nelson M. Walker.
James H. Drake.
Francis W. Chatham.
Henry J. Morgan, jr.
Donald H. Williams.
Milton B. Goodyear.
William E. G. Graham.
Jesse R. Lippincott.
Thurwood Van Ornum.

COAST ARTILLERY CORPS.

Harry C. Barnes, jr., to be first lieutenant.
John C. Gilmore, jr., to be colonel.

FIELD ARTILLERY.

Frank Langham to be captain.

WITHDRAWAL.

Executive nomination withdrawn January 5, 1920.

Second Lieut. Isaac Schechter, Infantry, to be first lieutenant of Infantry, Regular Army.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 5, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou Great Spirit, Father of all good, through whose eternal energy the wheels of time sweep ever onward, to what whitherward we know not, but we aspire, and hope, and pray!

The old is dead. The new is born, token of Thy living presence, promise of Thy loving care. The past is ours by inheritance and by personal experience. Help us, with well-poised minds, brave hearts, earnest endeavors, to meet the future as it unfolds itself day by day.

We have not wings—we can not soar—
But we have feet to scale and climb
By slow degrees—by more and more—
The cloudy summits of our time.

Nor deem the irrevocable past
As wholly wasted—wholly vain—
If, rising on its wrecks, at last,
To something nobler we attain.

The past is replete with mortality. The hand of death has touched this body and deprived it of a great and good man—a servant of his State and Nation—leaving a worthy and enviable record behind him. We mourn his loss and would copy his virtues. Bless those who knew and loved him, and let Thy loving arms be around the stricken wife, to guide her on her way toward that reunion where love shall claim its own, through Him who died that we might know the way, and the truth, and the life. Amen.

The Journal of the proceedings of Saturday, December 20, 1919, was read and approved.

SWEARING IN OF A MEMBER.

Mr. POU. Mr. Speaker, I present the Hon. CLYDE B. HOEY, a Member elect from the ninth North Carolina district, and ask that he may take the oath.

Mr. HOEY appeared at the bar of the House and took the oath of office prescribed by law.

RATIFICATION OF THE SUFFRAGE AMENDMENT.

The SPEAKER laid before the House a communication from the governor of the State of Colorado, announcing the ratification by the legislature of that State of the proposed amendment to the Constitution of the United States extending the right of suffrage to women.

HOUSE BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that December 20, 1919, they presented to the President of the United States for his approval the following bills and joint resolutions:

H. R. 10402. An act authorizing the Secretary of War to grant permission to the municipal authorities of Little Chute, Wis., to construct, maintain, and operate sewers on certain Government property and under the United States canal at Little Chute, Wis.;

H. R. 11223. An act making appropriations to supply urgent deficiencies in appropriations for the Employees' Compensation Commission, the Bureau of War Risk Insurance, and the Public Health Service for the fiscal year ending June 30, 1920;

H. R. 8992. An act for the construction of a bridge across the Susquehanna River at Laceyville, Wyoming County, Pa.;

H. R. 8778. An act to amend and modify the war-risk insurance act;

H. J. Res. 266. Joint resolution authorizing the printing of the bill to consolidate, codify, revise, and reenact the general and permanent laws of the United States; and

H. J. Res. 267. Joint resolution authorizing the payment of salaries of officers and employees of Congress for December, 1919.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President of the United States had approved and signed bills and joint resolutions of the following titles:

On December 18, 1919:

H. R. 1199. An act to prohibit the purchase, sale, or possession for the purpose of sale of certain wild birds in the District of Columbia; and

H. R. 3754. An act to amend sections 8 and 21 of the copyright act, approved March 4, 1909.

On December 20, 1919:

H. J. Res. 267. Joint resolution authorizing the payment of salaries of officers and employees of Congress for December, 1919.